

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MC ALLEN DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 7:13-CR-070-12
)	
Plaintiff,)	CRIMINAL
)	
vs.)	McAllen, Texas
)	
JORGE GARZA,)	Friday, August 2, 2013
)	(9:03 a.m. to 10:15 a.m.)
Defendant.)	(10:34 p.m. to 11:14 a.m.)

TESTIMONY OF FABIAN RODRIGUEZ DURING JURY TRIAL - DAY 4

BEFORE THE HONORABLE RANDY CRANE,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiff: JAMES STURGIS, ESQ.
ANIBAL ALANIZ, ESQ.
Assistant United States Attorney
1701 W. Business Hwy. 83
Suite 600
McAllen, Texas 78501

For Defendant: LILLY A. GUTIERREZ, ESQ.
4901 S. Jackson Rd.
Edinburg, TX 78539

Court Recorder: Richard Cortez

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1 **McAllen, Texas; Friday, August 2, 2013; 9:03 a.m.**

2 **(Partial transcript; testimony of Fabian Rodriguez)**

3 **(Jurors present)**

4 **MS. GUTIERREZ:** Fabian Rodriguez.

5 **THE COURT:** All right. Mr. Rodriguez, if you could
6 please step forward. Mr. Rodriguez, before you testify, I need
7 to have the oath administered to you, so if you could just
8 raise your right hand and --

9 **MR. RODRIGUEZ:** Yes, sir, good morning.

10 **THE COURT:** -- be administered -- good morning.

11 **FABIAN RODRIGUEZ, DEFENDANT'S WITNESS, SWORN**

12 **THE COURT:** All right. Mr. Rodriguez, if you can be
13 seated over here. Can I get both lawyers to turn the
14 microphones towards them so we can pick up audio a little
15 better? And Ms. Gutierrez, whenever you're ready, you may
16 proceed.

17 **MS. GUTIERREZ:** Thank you, your Honor. Good morning,
18 Mr. Rodriguez.

19 **THE WITNESS:** Good morning.

20 **MS. GUTIERREZ:** I sometimes -- I've been calling you
21 Fabian because I know someone named Fabian. But are we -- they
22 go -- you go by Fabian?

23 **THE WITNESS:** By both.

24 **MS. GUTIERREZ:** Okay, great.

25 //

1 **DIRECT EXAMINATION**

2 **BY MS. GUTIERREZ:**

3 Q Mr. Rodriguez, you are a co-defendant in this case; is
4 that correct?

5 A Yes, ma'am.

6 Q And you are not here to testify on behalf of -- well, you
7 -- you're not here to -- the Government hasn't called you here
8 to testify, correct?

9 A No, ma'am. You called me.

10 Q And you were part of the Panama Unit; is that correct?

11 A Yes, ma'am.

12 Q And prior to being part of the Panama Unit, you worked as
13 a deputy with the Hidalgo County Sheriff's Office; is that
14 correct?

15 A Correct.

16 Q When did you start with the Hidalgo County Sheriff's
17 Office?

18 A March of 2005.

19 Q Where did you work prior to that?

20 A I worked at my uncle's tire shop and a detention center in
21 La Villa.

22 Q And so 2005 was the first time that you were employed as a
23 law enforcement officer?

24 A Well, I was a correction officer, so -- before that.

25 Q When you worked at the detention center?

1 A Correct.

2 Q How long were you at the detention center in La Villa?

3 A I was there from 2003 to 2004 more or less.

4 Q And was that the -- your first job with law enforcement?

5 A Correct.

6 Q And so when you began working with the Hidalgo County
7 Sheriff's Office, what was your position?

8 A Detention officer at the jail.

9 Q Does everyone start a detention officer?

10 A Not everybody, but I did. You know, I mean, it's 50/50.

11 Q And how long did you -- were you a detention officer?

12 A I was there about a year and a half. Then I went to the
13 Sheriff's Academy there at the Hidalgo County Sheriff's Office.

14 Q Okay. So you -- so about 2007 you went to the Sheriff's
15 Academy?

16 A Correct.

17 Q And what is the Sheriff's Academy?

18 A It's a peace officer academy. You can become a police
19 officer.

20 Q So when you were a detention officer, what were you
21 considered, if not a peace officer?

22 A Detention officer.

23 Q And how long is the Sheriff's Academy?

24 A Around six months.

25 Q And when you came out of that, were you -- did you come

1 out as a peace officer?

2 A Correct. I went to -- as a patrol deputy.

3 Q And so was that still in 2007, or 2008?

4 A Both 2007, 2008, yeah.

5 Q How long were you a patrol deputy?

6 A About another almost two years, and then I got transferred
7 to the courthouse as courthouse security.

8 Q So then about 2010 you were courthouse security?

9 A Correct.

10 Q And how long were you at courthouse security?

11 A About another year, and then I went to patrol about a --
12 for a month or two, and then I went to Crime Stoppers.

13 Q So you say that some time in 2011 is when you were at
14 Crime Stoppers?

15 A I believe so.

16 Q And how is it that you came to be with the Crime Stoppers'
17 Division?

18 A I was recruited by J.P. Flores and Commander Padilla. And
19 at the time, Sergeant Cantu as well.

20 Q And was that considered a promotion?

21 A Correct.

22 Q So you earned more money at the time?

23 A Correct.

24 Q And when you say "recruited," what do you mean? They
25 needed people and so they picked you as one of those people, or

1 they just liked you and they wanted you in that position?

2 A I was part of the group, and campaigning was starting to
3 start up again, and they needed me more accessible, because
4 patrol deputies, you know, they work weekends, holidays, and
5 all hours, so they wanted something eight to five where I could
6 get away and help them out campaign wise.

7 Q Okay. And what kind of things -- in what ways would you
8 help out campaign wise?

9 A I was the representative from my area, the delta area, so
10 I would handle a lot of the (speaks Spanish), signs, bumper
11 stickers. Mainly I was in charge of that whole area, like
12 campaign wise. Also helped -- I would help commander recruit
13 new deputies, deputies in the academy, and I would assist him
14 in all those other things as well.

15 Q And when you say "commander," you're talking about
16 Padilla, right?

17 A Commander Joe Padilla, sorry.

18 Q So you worked closely with Joe Padilla, correct?

19 A On a daily basis, correct.

20 Q And you worked closely with J.P. Flores, correct?

21 A Yes. And Jerry Del Angel.

22 Q And Jerry Del Angel. And for a short period of time,
23 there was an Eddie Rodriguez (phonetic), correct?

24 A Correct. When I got there, he was there maybe about four
25 months, and then he was moved out.

1 Q At any point within the department did you work with Jorge
2 Garza?

3 A We'd do funeral escorts and he was close to J.P., so he
4 was always in and out of our office.

5 Q But he didn't work in your division, correct?

6 A No, ma'am.

7 Q Okay. And he -- and Mr. Garza wasn't part of your group,
8 correct?

9 A Yes. He was always involved with us. He was always
10 involved like in -- we had a cook fight -- a cook off. We had
11 any events, night out, whatever, he was always there as well.

12 Q Well, right. But what I mean is as far as working closely
13 with Joe Padilla.

14 A Yeah. He was. He was considered part of the group.

15 Q Okay. So then Mr. Garza reported to Mr. Padilla?

16 A He was in special services, so in a way, yes.

17 Q Joe Padilla was a supervisor of special services, correct?

18 A Correct.

19 Q And because Mr. Garza worked in civil division that fell
20 under special services, he reported to Padilla, correct?

21 A Well, not -- let me clear a little bit. Like Padilla had
22 his circles of who's his group was. You know what I mean?

23 Q Okay.

24 A He had an inner circle that would be like me, J.P.,
25 Orlando Cantu, Jerry. Then he had an outer circle like Jorge,

1 other deputies. Right now I can't -- Jorge Vargas (phonetic) -
2 - there was a bunch of other deputies. You know, I mean, those
3 -- you know, that Padilla could call them upon -- to help him
4 out with anything. You know what I mean? With fundraising or
5 what not.

6 Q Okay. And by fundraising, you're talking about going out
7 to polls, selling fundraising tickets, DJ'ing at events,
8 preparing the food and sodas, the --

9 A Yes, ma'am.

10 Q Okay. And from what I understand, that was -- that
11 occurred pretty frequently. It wasn't just once a year,
12 correct?

13 A No. It was year round.

14 Q Okay. So the Hidalgo County Sheriff's Office was having
15 events also that were apart and separate from campaign
16 fundraisers, right?

17 A It would intertwine, like -- because special service has
18 to do a lot with community outreach.

19 Q Okay.

20 A So a lot of times we had events with community outreach,
21 and that's with Crime Stoppers, and a lot of the special
22 services deputies would get asked to help out. And then also
23 as well campaigning. So it always mixed up a little bit at
24 times.

25 Q And when you say deputies were asked to help out, a lot --

1 practically every deputy had to participate in some way or
2 another, correct?

3 A Correct.

4 Q Okay. It wasn't just you guys at Crime Stoppers. It was
5 pretty much across the board that everyone had to participate
6 in it somehow.

7 A Yes. Everybody mostly in special services had to do their
8 part.

9 Q And so are you saying that -- because detention is not
10 part of special services, correct?

11 A What's that?

12 Q Detention is not part of special services.

13 A No, ma'am.

14 Q Okay. But didn't the deputies at detention also have to
15 participate?

16 A Yes. He would use -- commander would use me to make
17 contact with jailers and people in the academy to try to
18 recruit them for -- to be part of the group like politically
19 and stuff like that.

20 Q Okay. And so pretty much this participation in these
21 events and campaigning, that pretty much reached out to --
22 across the board to everyone at the county, correct?

23 A Correct. Each commander had their, I guess, people, a
24 list of, "These are my deputies," and the other commanders
25 would have, "These are my guys." So when the Sheriff needed

1 something, he called upon the commanders, and each one would
2 get their people to help out and volunteer whatever they needed
3 to do.

4 Q Sounds a little bit like high school. There's a group
5 here, a group there.

6 A Correct.

7 Q Yeah.

8 A A lot like high school. And you would have the commanders
9 actually fighting for deputies, like, "No, that's my guy. You
10 can't use him," or vice versa.

11 Q Okay.

12 A Or, "What is Fabian talking -- what is Fabian doing
13 talking to my patrol deputy. He shouldn't be talking to my" --
14 like one commander would tell like Commander Joe Padilla. And
15 there would always be friction and stuff like that.

16 Q Okay. So there was territory issues, there were personnel
17 issues --

18 A Correct.

19 Q Okay. And wouldn't you say that Commander Joe Padilla ran
20 a very tight ship?

21 A Very.

22 Q You could even say that he ran it with an iron fist,
23 right?

24 A He would put fear in you. You do -- you play ball with
25 him or you're out. You know what I mean? You're sent back to

1 patrol or you're not going to have the privileges, you're not
2 going to be able to leave early, or what not, stuff like that.
3 You know what I mean? You have to be by his rules.

4 Q Okay. And did that breed a culture of fear within the
5 Hidalgo County Sheriff's Office?

6 A Everybody -- a lot of people feared Commander Padilla.

7 Q And wouldn't you say that even though you were in his
8 inner circle, you still feared him to some extent?

9 A Yes, ma'am.

10 Q And so even though you were very close to him, you would -
11 - I imagine you would hesitate to tell him no.

12 A Correct. Why I'm fearing myself telling this right now as
13 well.

14 Q Oh, really? So as you sit here right now, you're in fear,
15 correct?

16 A To a certain face, yeah.

17 Q There was some discussion about -- well, you mentioned
18 about the Delta Lake area and going -- you were in charge of
19 (speaks Spanish); is that what you said?

20 A Correct.

21 Q Okay. And so, during the time that you would use your
22 time to assist with the campaign of the Sheriff, is that -- was
23 that using your comp time?

24 A We would make up comp time to go and -- to campaign stuff,
25 what not.

1 Q Okay. And so by making up comp time, that means that you
2 would work extra so that you would have hours on reserve, and
3 then you could use those hours in order to campaign, correct?

4 A We would alter the comp time sheets to say that we stayed
5 late and what not.

6 Q Okay. And that was at the direction of who?

7 A Commander Padilla. He would get other -- if you ever seen
8 one of our comp time slips, it has like a supervisor and then
9 like a department head, and he would kind of like -- have like
10 Sergeant Cantu sign the immediate supervisor part and then he
11 would give it to a captain to sign the other one under
12 (indiscernible) he would actually give it to him, "Here, sign
13 this," because he wouldn't want to put his name on it because
14 he didn't want it to come back to him.

15 Q Okay. So he was very careful about leaving a paper trail
16 that led back to him, correct?

17 A Very careful.

18 Q Okay. And isn't it true that when Padilla would give a
19 document to someone to sign, that person that was told to sign
20 it probably wouldn't even read it, they'd just sign it?

21 A Correct.

22 Q And so to that extent, Padilla pretty much had free reign
23 of doing whatever he wanted to, for two reasons: because he
24 was the Sheriff's right-hand man, and also because he put fear
25 in people.

1 A Correct.

2 Q And when you state how you, J.P. Flores, and Jerry Del
3 Angel were in his inner circle, what did that mean? That you
4 guys would hang out together outside of work, or --

5 A We would have a daily briefing and debriefing every single
6 -- in the morning and afternoon. And we're his go-to guys.
7 You know what I mean? Like Jerry Del Angel was used to take
8 his shoes to the mall and get shined or dry cleaners, do all
9 his personal errands. And --

10 Q And that -- go ahead. I'm sorry.

11 A And he would use me like go pay -- I would go like to the
12 county's office, "Go pay my taxes," stuff like that. And he
13 would use J.P. as well. J.P. would do all his budgeting and
14 all the office work for him.

15 Q So you were kind of like personal assistants?

16 A Personal assistant, and I was like -- me more than J.P.
17 and Jerry, political -- anything the Sheriff needed
18 politically, he would tell Joe and then Joe would tell me,
19 "Hey, take care of this. This is what we need to do." And I
20 would go out and do it. And lots of time I would even do it on
21 county time.

22 Q And so -- and that was my next question, does, "Go get my
23 shoes shined, go to the mall, pay taxes," that was all done
24 during working hours, correct?

25 A Correct, in uniform and (indiscernible) too.

1 Q But you felt pretty safe doing work -- doing personal
2 stuff for Joe Padilla and the Sheriff during working hours
3 because they're the ones that --

4 A They are my bosses.

5 Q -- instructed you to go, correct?

6 A Correct.

7 Q Okay. However, you wouldn't feel comfortable doing your
8 own personal stuff during work time; or did they allow you to
9 do that, too?

10 A We did, but we had to tell him what we were going to do.

11 Q Okay. So you were able to do your own personal stuff, so
12 long as Padilla, the Sheriff, knew about it?

13 A Correct.

14 Q So Padilla was -- the purpose for the -- what did you say
15 -- the briefings in the morning and the afternoon were because
16 Mr. Joe Padilla wanted or needed to know what had transpired
17 from the last briefing, which occurred at the end of the day,
18 overnight to the morning, correct?

19 A Yes. And also to give our assignments for the day.

20 Q Okay.

21 A I mean, "I need this done," or whatever. "Fabian, go
22 check out a location where we need to put a sign" or what not.
23 Basically my sole purpose in Crime -- when I was at Crime
24 Stoppers was 50 percent politics, and the other percent actual
25 work for the Sheriff's Office.

1 Q Well, describe to me some of the actual Sheriff's Office
2 work that you did.

3 A I would work Operation APE, and I would go out in a marked
4 unit, conduct traffic stops, and what not. And during that
5 time, that's when I started kind of helping out the Panamas as
6 a marked unit and what not. And the other 50 percent was all
7 politics.

8 Q Okay. You -- and the politicking, you've already
9 explained, where you need to put a campaign sign or --

10 A Yeah.

11 Q -- you need to go deal with the (speaks Spanish)

12 A Correct. Prior to me going to Crime Stoppers, that
13 position wasn't even open. They actually created that position
14 for my -- for me.

15 Q And that was because they needed some more manpower; is
16 that correct?

17 A Manpower and they needed somebody to help them with
18 politics, because that's when it was really getting to start.

19 Q But that's what I mean, they needed more manpower and --
20 for the purposes of the politicking and campaign was gearing
21 up, correct?

22 A Correct.

23 Q Were you -- did you have free choice of who you could vote
24 for?

25 A I always support the Sheriff.

1 Q Okay. Did you feel that you would get in trouble if you
2 didn't?

3 A It was never an option. I mean, I wanted to help the
4 Sheriff out.

5 **THE COURT:** We're getting a little --

6 Q It was never an issue for you. You --

7 A Yeah.

8 Q -- were always.

9 **THE COURT:** All right. We're getting a little --
10 relevance -- we're getting a little far afield here.

11 **BY MS. GUTIERREZ:**

12 Q So when you were working in the APE operation, you said
13 that you would conduct traffic stops; is that right?

14 A Correct.

15 Q And what does A-P-E stand for?

16 A It's Awareness Protection Enforcement.

17 Q What kind of vehicle would you drive when you were in a
18 marked unit?

19 A An Expedition with a -- a marked Expedition with patrol
20 lights and everything.

21 Q And what color was it?

22 A White, the standard color of the Sheriff's Office unit. I
23 had two units. I had a marked unit and an unmarked.

24 Q What did Jerry Del Angel drive?

25 A Jerry Del Angel had a pickup.

1 Q Was that his personal vehicle?

2 A No. It was a department vehicle as well.

3 Q But it was unmarked?

4 A Unmarked.

5 Q When you went to Panama Unit, did you take your Expedition
6 with you, the marked Expedition?

7 A No. I left it behind. I just took the unmarked that I
8 had.

9 Q Okay. So then that -- it was a Ford Expedition, correct?

10 A Yes.

11 Q That Ford Expedition remained there with Crime Stoppers;
12 is that correct?

13 A Correct.

14 Q When you -- you say that in 2011 is when you went to Crime
15 Stoppers. At what point did you transfer into the Panama Unit?

16 A It was I believe October of 2012, or before that. It was
17 in beginning of the year.

18 Q How was it that you ended up leaving Crime Stoppers and
19 getting -- being involved in the Panama Unit?

20 A I had approached the Sheriff at one time and told him that
21 I wanted to do something else, kind of getting tired of -- I
22 didn't tell him that I was getting tired of the politics stuff
23 and Crime Stoppers. I just wanted to do something different.
24 So I told him the interest that I had for the Panama Unit. And
25 then shortly thereon, he said, "Okay. I'll look into it." And

1 then months later he approached me if I wanted to go.

2 Q And by "he," you mean the Sheriff?

3 A Correct.

4 Q And what is it that aroused your interest in being part of
5 the Panama Unit?

6 A I've always liked the narcotics investigator position.

7 Q But you were never a narcotics investigator within the
8 Hidalgo County Sheriff's Office, correct?

9 A Just with the Panama. The Panama is part of the Sheriff's
10 Office.

11 Q Who would Panama report to?

12 A We had a Sergeant Mendez (phonetic), but the Sheriff was
13 the one that would call the shots, like he was the main one.
14 And Jonathan basically would run the unit without a title. We
15 would check with Jonathan before we would check with our
16 supervisor.

17 Q And on that note, J.P. also pretty much ran Crime Stoppers
18 without a title, correct?

19 A Correct.

20 Q You, Jerry Del Angel, and J.P., in Crime Stoppers, were
21 all patrol -- no, you weren't patrol deputies. You were --

22 A Senior deputies.

23 Q -- senior deputies.

24 A Correct.

25 Q You were all equal, correct?

1 A Correct.

2 Q However, he did pretty much run Crime Stoppers?

3 A Yeah. He would tell us -- he would tell me, "Commander
4 said to go do this, go take care of it." And we wouldn't
5 question him, because if he's telling us -- J.P. wouldn't lie,
6 and if J.P. said, "Commander said," we were not going to
7 question it. We would go do it.

8 Q Okay. You didn't have any reason to question him; is that
9 right?

10 A No.

11 Q Okay. So it was -- it wasn't uncommon for the people that
12 were close to Padilla and the Sheriff to do things that were
13 outside the chain of command, correct?

14 A Correct. There were times Padilla would -- Commander
15 Padilla would tell me, "Go take care of this. Tell this person
16 to do something," and I would delegate work to the other
17 deputies as well.

18 Q And sometimes you would even pass along, or delegate, work
19 to sergeants and lieutenants based on instructions from
20 Padilla, correct?

21 A Several times. "Commander said to go do this," and I
22 would have to tell the supervisor. It started actually causing
23 problems within the office, because I was just really giving a
24 message and they were taking it wrong and -- with other
25 supervisors.

1 Q Well, right. Because you were -- in the rank, you were
2 beneath them, and the orders don't normally come from the
3 bottom up. They usually come from the top down, correct?

4 A Correct.

5 Q And so Sheriff Trevino was aware of what the Panama Unit
6 was doing, correct?

7 A In what sense?

8 Q Well, when they were formed and they were created, the
9 purpose for what they were created, Sheriff Trevino was aware
10 of that, correct?

11 A Correct.

12 Q And so he was also aware of the operations that were going
13 on in furtherance of that purpose, correct?

14 A Correct. The supervisor would brief him on a daily basis
15 as well.

16 Q And Supervisor Mendez, was he the supervisor of Panama
17 Unit the entire time it was in existence?

18 A Yes. Ninety percent the last -- that last week, we had
19 another sergeant, but it was only one week that we worked with
20 him.

21 Q Okay. So then you always had a supervisor -- well, I
22 apologize, because you weren't part of Panama Unit that entire
23 time, correct?

24 A No. But I would assist them a lot of the time before.

25 Q Okay. So even while you were not a part of Panama Unit,

1 you worked closely with Panama Unit?

2 A Correct.

3 Q And Panama Unit was created when?

4 A Way before my time. I'm not sure to tell you the date.

5 Q Well, right. But was it created within the time period
6 that you worked at the Hidalgo County Sheriff's Office, or was
7 it already in existence when you started working at the Hidalgo
8 County Sheriff's Office?

9 A I believe it was made while I was there. It might be when
10 I was on patrol.

11 Q Okay. And so during the period of time that you were with
12 Panama -- well, what day were you arrested?

13 A December 12th.

14 Q Of 2012?

15 A Correct.

16 Q And that means that you were with Panama just three
17 months.

18 A Officially, yes.

19 Q Okay. So when you say "officially," did you ever -- I --
20 you said you worked closely with them, but did you work like
21 operations with them --

22 A Yes.

23 Q -- before you were part of Panama?

24 A Yes.

25 Q Oh, okay. So did Panama Unit have like a support -- use

1 manpower from other deputies within the county?

2 A Well, it's policy when you're going to do a consent to
3 search or raid, that you needed a department vehicle or marked
4 vehicle, so lots of times that's when they would call upon me
5 to help out.

6 Q Okay. So you were already familiar with their operations?

7 A Correct.

8 Q And you were friends with the people who were part of the
9 Panama Unit, correct?

10 A Every single one, yes.

11 Q And did you become friends with them at that point, or
12 were you already friends with them?

13 A I was already friends with them. I went to the academy
14 with Deputy Arguello and Eric Alcantar, and I worked in the
15 jail with Claudio Mata. And Jonathan was -- I've known him
16 because of working for the Sheriff's Office.

17 Q Okay.

18 MS. GUTIERREZ: Your Honor, I'm going to -- may I
19 approach?

20 THE COURT: You may.

21 MS. GUTIERREZ: And I'm going to show him the
22 superseding the indictment. Do you have --

23 MR. STURGIS: It's already been admitted, hasn't it?

24 MS. GUTIERREZ: Has it? No. I don't believe so.

25 THE COURT: I do not believe it has been. Let me

1 see.

2 **MS. GUTIERREZ:** No. It was --

3 **MR. STURGIS:** The Government has no objection --

4 **MS. GUTIERREZ:** I'm going to ask that it be admitted.

5 **THE COURT:** Yes. It's -- it was Exhibit 2.

6 **MS. GUTIERREZ:** No, your Honor. That was the
7 superseding in --

8 **THE COURT:** That was in the other case.

9 **MS. GUTIERREZ:** Yes, on the other case.

10 **THE COURT:** All right. So we'll call this
11 Exhibit 11.

12 **MS. GUTIERREZ:** Yes, your Honor, 11.

13 **THE COURT:** Eleven, superseding indictment in this
14 case is admitted.

15 **(Defendant's Exhibit Number 11 was received in evidence)**

16 **(Attorneys confer)**

17 **MR. STURGIS:** Judge, I think that Ms. Gutierrez is
18 also going to admit the plea agreement as she's done. No
19 objection on that one.

20 **MS. GUTIERREZ:** And that's Exhibit 4, your Honor.

21 **THE COURT:** No. It can't be. That's -- you have
22 that marked as a plea agreement in the related case. Do you
23 remember what number you are? Want to --

24 **MR. STURGIS:** No, sir, I'm sorry.

25 **THE COURT:** -- get the numbers right.

1 **MS. GUTIERREZ:** Your Honor, he's Number 3.

2 **THE COURT:** He's Number 3. That's Exhibit 9.

3 **MS. GUTIERREZ:** That's correct, your Honor.

4 **THE COURT:** Exhibit 9. All right. Exhibit 9 is
5 admitted without objection. Defense 9 and Defense 11, both
6 admitted without objection.

7 **(Defendant's Exhibit Number 9 was received in evidence)**

8 **MS. GUTIERREZ:** May I publish it, your Honor?

9 **THE COURT:** You may.

10 **BY MS. GUTIERREZ:**

11 Q Mr. Rodriguez, I'm going to show you the superseding
12 indictment in your case.

13 **THE COURT:** In this case.

14 **MS. GUTIERREZ:** In this case.

15 Q The first name on that indictment, Jonathan Christian
16 Trevino, is that the Trevino -- Jonathan Trevino we've been
17 talking about?

18 A Yes.

19 Q Okay. And we've also -- you've mentioned Arguello, and
20 that's Salvador Joel Arguello; is that correct?

21 A Correct.

22 Q Okay. And he's on that indictment?

23 A Correct.

24 Q Okay. And you've also mentioned Eric --

25 A Alcantar.

- 1 Q -- Alcantar, and he's on that indictment, correct?
- 2 A Correct.
- 3 Q And Claudio Alberto Mata?
- 4 A Correct.
- 5 Q He's on that indictment?
- 6 A Correct.
- 7 Q Okay. And who else in this indictment was part of Panama?
- 8 A That is it.
- 9 Q What about Gerardo Mendoza-Duran?
- 10 A No. He was a civil processor and then technical patrol.
- 11 Q Did he work with Panama?
- 12 A No.
- 13 Q Alexis Rigoberto Espinoza?
- 14 A He was not assigned to the Panama Unit, but he would go
- 15 out on operations with us a lot.
- 16 Q Okay. And of course we have the Guerras. Alvaro Gilberto
- 17 DeHoyes.
- 18 A I have never met that person.
- 19 Q Okay. And that takes care of everyone. You have entered
- 20 a guilty plea in this case; is that correct?
- 21 A Correct.
- 22 Q Okay. And do you recognize that plea agreement?
- 23 A Yes, ma'am.
- 24 Q Okay. And you signed it, correct?
- 25 A Correct.

- 1 Q Okay. How tall are you?
- 2 A Six foot.
- 3 Q Jerry Del Angel is also about your height, correct?
- 4 A He's a little shorter.
- 5 Q Okay. So he's about how tall?
- 6 A I want to say five-ten, five-nine.
- 7 Q What -- at your time at Crime Stoppers, because you all
- 8 were close to Joe Padilla, you all had access to equipment and
- 9 personnel of the Hidalgo County Sheriff's Office if you needed
- 10 it, correct?
- 11 A Yes, ma'am.
- 12 Q Or even if you wanted it, right?
- 13 A Yes, ma'am.
- 14 Q Did you meet Fernando Guerra, Senior through your
- 15 campaigning duties?
- 16 A Yes. Along with J.P. Flores.
- 17 Q And I may have misworded that, but your political -- the
- 18 political aspect of your duties.
- 19 A Correct.
- 20 Q And you were introduced to him through J.P. Flores,
- 21 correct?
- 22 A Correct.
- 23 Q At the time that you joined the Panama Unit, they had
- 24 already gone rogue, correct?
- 25 A Correct.

1 Q And during this period of time, they were mainly stealing
2 drugs instead of stopping the individuals who were trafficking
3 drugs, correct?

4 A We were doing both.

5 Q Okay. So you were doing legitimate operations at the same
6 time?

7 A Yes, ma'am.

8 Q How would you decide which would be a legitimate job and
9 which -- like, for example, we're not going to steal this load,
10 we're actually going to legitimately turn that into the county?

11 A When it was going to be a big enough load to turn a
12 profit, then we could make money off of it.

13 Q Okay. So the smaller drug amounts would become legitimate
14 operations, correct?

15 A Correct.

16 Q And so there was a -- you came upon a drug amount that was
17 large, then at that point you would decide that you're going to
18 steal it, correct?

19 A Not necessarily. It's -- if everything matched up, if we
20 know we could -- we thought we could get away with it, I guess
21 we would do it. But it wasn't like every house we were going
22 to is -- our sole purpose was to steal drugs, no. That's not
23 what it was.

24 Q Okay. It's whenever the opportunity presented itself,
25 correct?

1 A Correct.

2 Q And when you say, "When we felt we could away with it," it
3 was because there were different factors that had to be in
4 place in order for you all to be successful in stealing it
5 without any suspicion, correct?

6 A Basically mostly a lot of the stuff that we stole was
7 actually already planned out before we even went to the
8 location.

9 Q Well, right. Because I believe that there are -- they --
10 there were actually two different ways that you all -- that the
11 Panama Unit stole drugs. One way was through tips. Someone
12 would give you some information, "There's drugs at that
13 location," and that one was already premeditated, let's say.
14 You were going on that -- to that property for that purpose,
15 correct?

16 A If I recall mostly all the times that we stole drugs, it
17 was already planned before we even went over there.

18 Q Well, okay. So then the investigations -- if you had an
19 investigation that came from a legitimate place, like let's say
20 from Crime Stoppers, that you went to investigate, you weren't
21 sure if there were drugs there, so that would then become a
22 legitimate operation despite -- regardless of the amount of
23 drugs.

24 A Correct.

25 Q Is that what you're saying?

1 A Correct.

2 Q Okay. And so then the drugs that you -- that the Panama
3 Unit stole, someone had already informed the Panama Unit that
4 there were drugs at that location.

5 A Correct.

6 Q Okay. And the Panama Unit had sources of information who
7 provide them that information?

8 A Correct.

9 Q Who would make the decision within the Panama Unit of when
10 to do an illegal operation?

11 A Anything legal done with the Panamas -- nothing would be
12 done unless Jonathan gave the order and said, "You know what,
13 okay, take this," or "No, take this," or what not. But nothing
14 could be done without Jonathan's approval.

15 **THE COURT:** And why was that? Why was he the one who
16 made those decisions?

17 **THE WITNESS:** Because he was the Sheriff's son, and
18 he was in charge of the -- sole -- he was in charge of the unit
19 unofficially.

20 **BY MS. GUTIERREZ:**

21 Q So basically you all wouldn't make a move without
22 Jonathan's okay, correct?

23 A Correct. He had already actually talked to us about it
24 because he was finding out deputies were like taking items when
25 we were doing raids, like colognes or watches and -- Jonathan

1 never really liked to -- he didn't give an okay to stealing
2 property. The only thing he would allow was to steal drugs.
3 And he had to know what was going on.

4 **THE COURT:** So why -- I don't understand why he was
5 in charge. Was he the most senior of everyone?

6 **THE WITNESS:** Because his dad was the Sheriff.

7 **THE COURT:** And --

8 **THE WITNESS:** He said that we're there because of
9 him. Like we're there -- we're in the unit because of him, and
10 if he didn't want us there, he would have us get out -- take us
11 out.

12 **THE COURT:** All right. And did you ever remind him
13 that if you got kicked out, you might expose his illegal
14 activities, or was that ever a --

15 **THE WITNESS:** We never had a fallout --

16 **THE COURT:** -- discussion?

17 **THE WITNESS:** -- me and him. We were pretty close.

18 **THE COURT:** And so the fear was that you could be
19 fired from your legitimate job, and that's what kept you from --
20 -- or that's what caused you to follow his orders and treat him
21 as the boss?

22 **THE WITNESS:** In the beginning, it was just to make
23 him happy. And at the end, it was like, I didn't have --
24 really have a choice anymore. I still -- you know, I'm not
25 saying -- I'm not blaming anybody for my actions. I don't -- I

1 did wrong, and I accept that. You know what I mean? He didn't
2 put a gun to me and say, "You're going to do this." I could
3 have at any point said, "I'm gone." You know what I mean? But
4 I stayed there. But I did fear to lose my job. And actually,
5 he had an incident with Eric Alcantar because they had -- they
6 were arguing like about personal matters, and he was already on
7 the verge to take out Eric Alcantar out of the unit. And
8 everybody had already -- he already had expressed to his dad,
9 and his dad was already ready to take him out as well.

10 **THE COURT:** Did you ever have meetings with the
11 Panama Unit and the Sheriff where the Sheriff made it known
12 that his son was the leader, or in charge?

13 **THE WITNESS:** Kind of contradicted himself.
14 Sometimes the Sheriff would say, you got like -- when we would
15 mess up, he would say, "Jonathan's not your supervisor." But
16 then yet he let Jonathan do whatever he wanted, you know, as
17 well. It's kind of confusing. I don't understand.

18 **THE COURT:** So who was supposed to be the supervisor
19 of the unit?

20 **THE WITNESS:** Roy Mendez.

21 **THE COURT:** Okay.

22 **THE WITNESS:** But Roy Mendez -- this is the daily
23 thing. Roy Mendez would call Jonathan, "Hey, Jonathan, what
24 time we going to work today?" "We're going at 1:00." And then
25 Mendez would call around and tell everybody, "We're going at

1 1:00. Jon said we're going to come in at 1:00." That's how
2 bad it was. He would call Jonathan and ask him what time we're
3 going to work today.

4 **THE COURT:** And during this time, was Jonathan
5 Trevino living at the home of the Sheriff, or was he --

6 **THE WITNESS:** No. He lived at his -- the Sheriff's
7 house, correct.

8 **THE COURT:** At the Sheriff's Office or home?

9 **THE WITNESS:** Home.

10 **THE COURT:** All right. They lived in the same home.
11 All right. Please continue.

12 **BY MS. GUTIERREZ:**

13 Q Okay. So who had the source of information that would
14 provide the tips to the Panama Unit?

15 A Jonathan had his drug dealer sources, Sal Arguello had his
16 sources, and I had my sources.

17 Q So they generally came from you three?

18 A Correct.

19 Q What -- why was it called Panama Unit?

20 A That's just the name that the Chief of Mission picked.
21 It's just a coincidence. He gave them a list of names to
22 choose, and that name just -- it has no specific purpose or
23 nothing like --

24 Q Okay.

25 A -- no meaning or anything.

1 Q Okay. When you got tips as to drugs being in a particular
2 location, did you know exactly where the drugs were, or did you
3 have to search an entire property to find what you were looking
4 for?

5 A Sometimes we knew exactly -- sometimes it was a planned
6 traffic stop that we were going to pull over a vehicle and rip
7 off their drugs. And sometimes we just -- he just -- they'd
8 say, "Hey, there's drugs in the house somewhere. Go look."

9 Q And when you -- like, for example, let's take a traffic
10 stop, a big traffic stop, you would -- you knew that there were
11 drugs -- and when I say "you," I mean the Panama Unit. The
12 Panama Unit knew that there were drugs in the specific vehicle,
13 they would stop the vehicle, and they would take the drugs. And
14 what would happen to the driver, the people in the vehicle?

15 A If I recall, we only had one incident that we actually had
16 -- and I -- it shouldn't called a fake traffic stop, but it was
17 an actual traffic stop. And he was going to deliver to
18 Fernando, Senior -- correction, Junior, at a location, and we
19 were going to pull the vehicle over in between, before he
20 arrived at the destination and then rip off the drugs -- we
21 ripped off -- there was five kilograms, and I think we took
22 four and kept -- and turned in one for evidence.

23 Q Okay. So then the person -- the individual who's driving
24 the vehicle did actually get arrested and processed --

25 A Correct.

1 Q -- for that one kilogram of cocaine?

2 A Correct.

3 Q Okay. And that's how you were able to cover your tracks?

4 A Correct.

5 Q And the Sheriff was aware of those operations that you
6 were doing, correct?

7 A Not in detail, like we stole five kilograms here, no. To
8 my knowledge, I'm not sure.

9 Q Okay. But he knew you were stealing, correct?

10 A I never had a conversation with him about it.

11 Q Well, but from your conversations with Jonathan, you were
12 made aware that the Sheriff was aware that you guys were
13 stealing drugs, correct?

14 A Not necessarily. I never -- I would ask him, "Hey, your
15 dad," and he's like, "Don't worry about my dad." He wouldn't
16 talk about that.

17 Q Okay.

18 A It was like me that -- he wouldn't ask me too many
19 questions about my drug dealer friends. I mean, you kept it --
20 everybody kept their -- your own little secrets. You know what
21 I mean?

22 Q Okay. And how often would you personally get tips?

23 A The times in the indictment, those are the times they
24 tipped me.

25 Q Well, okay, all right. But there were other times where

1 you all did illegal operations where the tips didn't come from
2 you, correct?

3 A Correct.

4 Q Because you were able to do a substantial amount of
5 illegal operations during the short period of time that you
6 were with the Panama Unit, correct?

7 A It was one year that went -- that I was rogue, I would
8 say.

9 Q Okay.

10 A I didn't -- I don't -- I didn't -- the most -- long as I -
11 - I feel was about a year.

12 Q Okay. And that year was what, 2012?

13 A The end of 2011 through 2012, correct.

14 Q And so had you met Guerra, Senior already by the end of
15 2011?

16 A I had met Guerra, Senior, yes, a year prior, and I had
17 never done any illegal acts with him.

18 Q And Guerra, Senior -- when you say, "a year prior," a year
19 prior to what?

20 A When I joined Crime Stoppers was shortly when I met
21 Mr. Guerra.

22 Q Okay. And -- okay. You said you met -- you started in
23 Crime Stoppers in 2011.

24 A End of 2011, 2010, around there. I can't -- I don't have
25 an exact date, but it couldn't have been 2010 towards the end,

1 the latter year -- or the year.

2 Q And you were met -- and you were introduced to Guerra,
3 Senior through J.P. Flores, correct?

4 A Correct.

5 Q And how did that introduction come about?

6 A When commander would send us to get money for the campaign
7 and fundraising, I would always tag along with J.P. and I would
8 met (sic) some of his friends.

9 Q Okay. And when you did that, were you in a Hidalgo County
10 Sheriff's Office unit?

11 A An unmarked, yes.

12 Q And when you met Guerra, Senior, was he introduced to you
13 as a drug dealer?

14 A No, ma'am.

15 Q So initially you didn't know that he was a drug dealer?

16 A No.

17 Q But then at some point, it was -- became clear, correct?

18 A Well, he had a lot of money and had a lot of nice things,
19 so it doesn't take the smartest person to -- I knew.

20 Q Nice things like what?

21 A Houses, ranch, cars. He would give us -- he would give
22 J.P. money and me money just to go have lunch and stuff like
23 that.

24 Q And as a matter of fact, you called him Delta because he
25 had property on Delta Lake, correct?

1 A Jonathan's the one that actually made that name "Delta"
2 for him. Prior to me going rogue with the Panamas, I would
3 borrow Fernando's lake house and I would take the Panamas out
4 there. And that's when they said, "Well, this guy has to be a
5 drug dealer as well." You know what I mean?

6 Q Okay. And during this period of time that you were taking
7 the Panama Unit out there, the Panama Unit was already rogue,
8 correct?

9 A No. Well, that -- I wasn't -- they were rogue, but I
10 wasn't doing anything with them yet.

11 Q Okay. And so they encouraged you to -- that -- to make
12 Guerra, Senior a source of yours, correct?

13 A It all started one day, Jonathan was working with one of
14 his drug dealers, and they were going to do a rip on a traffic
15 stop as well, on a delivery of some cocaine. And it came to a
16 problem as, "Okay, once we get the cocaine, what are we going
17 to do with it?" And they had different ideas, and then that's
18 when Jonathan said, "Why don't you ask Delta, see if he'll buy
19 them?" And I actually said, "I've never done anything like
20 that before with him." He's like, "Ask him. He's a drug
21 dealer. He has money. He'll know what to do with them." So I
22 turned around and I called J.P. J.P. made a phone call to him
23 and we discussed, "Yeah. I'll buy" -- I think it -- there at
24 that time, it was going to be 15 kilos. He says, "I'll buy
25 them at 15,000, and you give me one free." But that deal never

1 happened. It just -- that deal never went through.

2 Q Okay.

3 A But they already -- the connection was already made. You
4 know what I mean?

5 Q Right. You --

6 A It was already --

7 Q -- knew that he was open to that possibility.

8 A Correct.

9 Q Okay. And from there grew this relationship where you
10 would sell or you would present drugs that the Panama Unit had
11 stolen to Guerra, Senior for him to buy, correct?

12 A Correct.

13 Q And then at the same time, he then -- well, that same
14 connection opened up the possibility of Guerra, Senior using
15 the Panama Unit to steal drugs for him, correct?

16 A Correct.

17 Q Okay. Did you hesitate to approach Guerra, Senior to
18 purchase these drugs?

19 A I was kind of nervous, but I wanted to make Jonathan
20 happy. And I wanted to go to the unit prior to that and say,
21 "Well, maybe this will be my," you know, "my entry."

22 Q So you were trying to impress Jonathan?

23 A Correct. And serve like a value for him.

24 Q Okay. And at this point, you already knew too much about
25 what was going on for you to go any other direction; isn't that

1 correct?

2 A Correct.

3 Q If -- let's say that you had said, "You know what, I'm
4 just going back to patrol," that would probably cause problems
5 for you, correct?

6 A Correct. Because Claudio Mata had an incident where he
7 stole some jewelry and they got onto his back and it went --
8 and it made a mess, and Jonathan and Mata were best of friends.
9 And after that incident, he got sent back to patrol and they
10 were trying to look for a reason to fire him.

11 Q Okay.

12 A He think -- at that very point, they were so close that he
13 felt bad having his dad fire him. He begged his dad not to
14 fire him. They sent him back to patrol. But then after that,
15 tension started creeping up and he had -- he started getting
16 more and more anger towards Mata, Claudio Mata. So it's kind
17 of like -- I could've fell in the same shoes at any point as
18 well.

19 Q So there were some examples going on around you that
20 showed you what could happen to you if you did the same thing,
21 correct?

22 A Correct.

23 Q Or if you crossed Jonathan, correct?

24 A If you crossed Jonathan, he would -- you were ex'ed out.
25 You know what I mean? You were going to be part of his group

1 anymore.

2 Q And it wasn't necessarily through Jonathan's own power
3 that you were ex'ed out. It was through his father, correct?

4 A He would tell his dad stuff, whatever he told him, and it
5 -- he would make it happen.

6 Q And then that's what I mean. Jonathan by himself had no
7 real power to just fire people. It would -- he -- it would
8 come from his dad?

9 A Yeah. He would kind of -- I went from one monster to the
10 other, went from Joe Padilla to Jonathan, which were kind of
11 the same person.

12 Q Okay. And that's where I was going to go because it seems
13 -- starting to sound to me like Jonathan also ruled with an
14 iron fist.

15 A Correct.

16 Q Okay. And so there was an incident when -- where Guerra,
17 Senior loaned some jet skis to Jonathan, correct?

18 A Correct.

19 Q And that happened through you, correct?

20 A Correct.

21 Q You were the contact person between Panama and Guerra,
22 Senior, correct?

23 A Yes. But anything I would talk to Guerra, I would run it
24 by J.P. It wasn't like I had to ask him, but it was all like a
25 code we had. You know what I mean? Anything I would talk to

1 Fernando about was going to be related to J.P. If I talked to
2 -- Fernando called me first before calling J.P., I would brief
3 J.P., "Hey, Fernando said this," and vice versa. You know what
4 I mean? We had that communication.

5 Q Okay. So if we had them in line, it would be Panama Unit,
6 then you, then J.P., then Guerra, Senior, correct?

7 A Correct. Towards the end, Fernando, Junior -- Fernando,
8 Senior would call me direct. Right?

9 Q Okay.

10 A And he would talk to me or whatever and then turn around
11 and brief J.P. You know what I mean?

12 Q Okay. So there was direct communication between you and
13 Senior, but whether it was before or after J.P. was made known
14 -- it was made known to J.P.?

15 A Yeah. I would never have kept anything behind J.P.'s
16 back. No, everything would run -- everything was all three of
17 us.

18 Q Okay. But would you say that your relationship with J.P.
19 and Senior was to some extent still independent from Panama? I
20 mean, you had a relationship with Panama, but your relationship
21 with J.P. and Senior didn't automatically bring Panama together
22 into the picture, correct?

23 A No. They didn't want a relationship. J.P. didn't want
24 Jonathan to know he was in the middle. He never knew.

25 Q Okay.

1 A That was one of the best kept secrets. Nobody ever knew.
2 He knew Fernando -- he kind of knew who Fernando was, not too
3 much. He wouldn't really ask him. He really never really
4 pressured him to.

5 Q Okay. And isn't it correct that in this type of activity,
6 there are lots of secrets, right?

7 A We're seeing more and more, yes.

8 Q Okay. Some that even you may not have known, correct?

9 A Correct.

10 **THE COURT:** So what was the allure of the Panama
11 Unit? I guess I'm having trouble understanding. You suspected
12 they were doing illegal things before you had joined them --
13 or, I say suspected -- did you know they were doing illegal
14 things before you joined them?

15 **THE WITNESS:** Being -- when I was officially a Panama
16 Unit?

17 **THE COURT:** No. Before you were officially a Panama
18 Unit, did you already know they were stealing drugs?

19 **THE WITNESS:** I had a suspicion because Jonathan --
20 other than working with him, he was a good friend of mine. We
21 would go out and they would dress all nice, had a lot of money,
22 so I kind of said -- started kind of fishing, and they would
23 joke around saying they could -- would rip money or whatever.
24 They would joke around. "Well, I have drug leader friends,"
25 and stuff like that.

1 **THE COURT:** And then you talked about the Delta Lake
2 house incident where you're at Crime Stoppers still, you've now
3 made friends with Guerra, Senior, and so you were able to
4 secure his lake house --

5 **THE WITNESS:** Uh-huh.

6 **THE COURT:** -- for the Panama Unit?

7 **THE WITNESS:** I would go myself with the Panama Unit
8 and we would --

9 **THE COURT:** Okay.

10 **THE WITNESS:** -- have barbecues and what not.

11 **THE COURT:** But that was while you were still with
12 Crime Stoppers.

13 **THE WITNESS:** Correct, sir.

14 **THE COURT:** And I understood that at that point is
15 one of those times you were approached -- or about that time is
16 when you were approached to contact Guerra to see if he would
17 be interested in buying this cocaine.

18 **THE WITNESS:** Correct.

19 **THE COURT:** So it was before you joined the Panama
20 Unit that you knew for certain they were doing illegal things.

21 **THE WITNESS:** Correct.

22 **THE COURT:** Why would you continue to want to join
23 that group then?

24 **THE WITNESS:** I wanted to be good with Jonathan and
25 his dad and everybody.

1 **THE COURT:** Did you -- was it also the allure of this
2 money that you were seeing these --

3 **THE WITNESS:** Yes, sir.

4 **THE COURT:** -- agents flash around --

5 **THE WITNESS:** Yes, sir.

6 **THE COURT:** -- these other deputies flash around?

7 **THE WITNESS:** That's why I'm saying, I'm not making
8 excuse that they made me do this. I did it on my own. I --

9 **THE COURT:** But it wasn't just because of
10 friendships. You were also interested in securing your job --

11 **THE WITNESS:** Uh-huh.

12 **THE COURT:** -- and also because of the allure of this
13 drug money.

14 **THE WITNESS:** The money was a plus, correct.

15 **THE COURT:** All right. Sorry to interrupt. Please
16 continue.

17 **BY MS. GUTIERREZ:**

18 Q Not only was the money a plus, it was pretty intoxicating,
19 huh?

20 A Correct. I just got messed up in the lifestyle. You know
21 what I mean? I got caught up.

22 Q Because there was a lot of money going -- coming in once
23 you guys really start -- once you joined and began these
24 operations with them, correct?

25 A There was money, but not a whole lot.

1 Q Well, what was the largest amount of drugs, whether
2 marijuana or cocaine, that you all ever stole?

3 A At one point, four kilograms was the biggest.

4 **THE COURT:** And is that the incident you already told
5 us about, the traffic stop?

6 **THE WITNESS:** Correct, the traffic stop that's in the
7 indictment.

8 **BY MS. GUTIERREZ:**

9 Q And didn't you steal larger amounts than four kilograms of
10 marijuana?

11 A Of marijuana, I believe it was 900 pounds, which still is
12 not as -- doesn't equal up. It's less.

13 **THE COURT:** In dollar value?

14 **THE WITNESS:** Yes, sir.

15 **BY MS. GUTIERREZ:**

16 Q Right. And what is four kilograms of cocaine worth?

17 A We didn't really make that much off that deal. We -- it
18 was about 40,000, and we made -- but we had to split with J.P.
19 and the Guerras for the Panamas to -- I want to say 20 and
20 change. I can't really remember now.

21 Q Okay. Well, let's just say that the Panama Unit took 20.

22 A Uh-huh.

23 Q Okay. What happened to the other 20?

24 A Guerra and J.P. and Junior, their group split everything -
25 - their money, and we split our money.

1 Q Guerra, J.P. -- the Guerras and J.P. --

2 A Correct.

3 Q -- however they split it?

4 A Correct.

5 Q Okay. And so you and J.P., having formed this connection,
6 the only money that -- you all didn't get any money for having
7 that -- having created that opportunity?

8 A I don't understand. Can you rephrase the question?

9 Q Yeah. For -- okay. Well, let me ask you this. If the
10 Panama Unit took 20 --

11 A Uh-huh.

12 Q -- how much did you get of the 20?

13 A I had to split it with Jonathan and Sal Arguello, but
14 Jonathan would always take a bigger cut than everybody.

15 Q Okay. So -- because there's more than just three people
16 in the Panama Unit. Did only the people that actually
17 physically worked the operation get a cut?

18 A Correct.

19 Q Okay. So it wasn't that the entire Panama Unit profited -
20 - every member of the Panama Unit profited every single time?

21 A No, ma'am.

22 Q Okay. You had to be there.

23 A You had to be there.

24 Q And how was it that people had the opportunity to be
25 there?

1 A Jonathan would choose -- he would tell me -- or "Call
2 Sal," or "Don't call Sal," or "Just me and you" or what not.

3 Q Oh, okay. So then he pretty much was in control of who
4 could make money or not?

5 A Yes. And he would say how much each person was going to
6 get as well. I had to lie at times and say -- let's say
7 Guerra, Senior and J.P. gave me \$20,000, for example. He would
8 tell me, "Fabian, we only got 12." And then he would give me a
9 little bit more than the other guys --

10 Q For lying?

11 A -- to -- for lying, of course. But I didn't lie. I would
12 tell the guys. I mean, I felt bad, like I -- everybody's
13 taking a risk, and then on top of that you're ripping them off,
14 it kind of felt ugly to me --

15 Q Uh-huh.

16 A -- and at times I would tell Mata or whatever. And then
17 there's an incident where I told Jonathan, "No. I want to pay
18 everybody across the board," and I paid everybody across the
19 board. And then Jonathan said, "Okay. You wanted to do that.
20 Now you pay me what the" --

21 Q What he lost?

22 A -- what he lost.

23 Q Uh-huh.

24 A And I had to do it.

25 Q Wow. Well, that was pretty courageous of you. Weren't

1 you afraid that there would be some repercussions?

2 A I made him the money and it was all -- whatever. And he
3 told me, "Don't ever do that again."

4 Q So it was all about the money essentially?

5 A He had a big bank -- gambling problem, and that's what led
6 him to a lot of this stuff.

7 Q Okay. Is that why you all took a trip out to Louisiana?

8 A We would do a lot of gambling to Louisiana, yes.

9 Q Okay. At some point, you all would either also at the
10 same time or transition into escorting loads of drugs for drug
11 dealers, correct?

12 A I never agreed to do any escorting of drugs.

13 Q The Panama Unit.

14 A They did on their own, yes.

15 Q Okay. But in those instances, the service was -- that the
16 Panama Unit provided was the escort. They weren't ripping
17 those loads off, correct?

18 A That was to the lateral (sic) part of the thing -- of the
19 incident. And it wasn't the Panamas. It was actually Gerardo
20 Duran doing it. And then later we learned Alexis was helping
21 him out. Nobody knew, and I don't know how we found out that
22 they were working on their own. And I brought it to the
23 attention of Alexis and saying, "Hey, what are you doing?"
24 Like, "You're going out of the line. I mean, you're supposed
25 to work with us. Like what are you doing?" And then he's

1 like, "No, no." And I was like, "How can you escort those?
2 You don't even know who the load -- who you're escorting the
3 load for." And I -- Duran actually approached me before he
4 approached Alexis saying, "Hey, I'm going to start escorting
5 loads," whatever, whatever, "Do you want to help me out?" And
6 I said, "No. I don't -- I'm not going to escort loads. I'm
7 not going to do that." And I kind of told Jonathan, and
8 Jonathan kind of got upset as well, and we kind of distanced
9 ourselves at that point from him. And then we found out Alexis
10 was doing it. And I was commenting to Alexis, "You need to
11 tell Jonathan. You know, you need to tell him what's going
12 on." And like I tell you, it was the lateral (sic) part. So
13 weeks before we got arrested, Alexis finally confessed to
14 Jonathan that he was doing escorts with Duran. At that point,
15 on November 30th, I received a call from Jonathan saying one of
16 his sources was going to drop off -- make a delivery of cocaine
17 of five kilograms and -- I don't know where. And anyway, he
18 tells me, "Get out here. You come out here and help us out."
19 He goes, "She thinks we're going to escort her, but when she
20 does the delivery, we're going to raid the house." And I asked
21 him, "Okay. Is this a legit deal, are we going to call
22 Mendez?" He's like, "Don't worry about that. We'll worry
23 about that later." So when we actually go out there and we're
24 following her, like she didn't know I was part of the group,
25 the lady driving the cocaine. She only thought Jonathan and

1 Alexis were there. And they were escorting the load, and I was
2 like far back. So when they -- when the lady gave them the
3 green light to go away, I was going to follow her, see where
4 she was going to deliver the package. But in the transition,
5 she burned me. She saw me, that I was following her, and we
6 actually lost her that day. Jonathan was very upset at me that
7 we lost the load and cursed me out, got upset at me, and told
8 Alexis off also. And that was the end of it. And then maybe a
9 week before we got arrested, we had a barbecue, me and Jonathan
10 and Alexis, and there -- because they were teasing me all this
11 time, all those days that, "Hey, you lost a load, you dumbass,"
12 whatever, calling me all this ugly stuff. They were trying,
13 like, really, really picking at me. So we go that day and
14 they're still joking at me, and then Jonathan makes the
15 comment, says, "Don't worry about it. We still got paid, me
16 and Alexis for it. Don't worry about it." I'm like, "Wow,
17 nobody told me about that." And that was the last of it.

18 Q So it sounds like there was a lot of deception even
19 without the Panama Unit.

20 A Correct.

21 Q Are you aware of who Jonathan shared his money, his cut?

22 A No, ma'am.

23 Q Did you ever have the opportunity to learn whether Sheriff
24 Trevino ever profited from any of these deals?

25 A Not to my knowledge.

1 Q Well, not that it's not to your knowledge. You just don't
2 know.

3 A I don't know. I couldn't --

4 Q Okay.

5 A -- give you a yes or a no.

6 Q What -- the -- how much drugs were there in this load that
7 you lost? Well, how much drugs were there supposed to be in
8 that load that you lost?

9 A She told them five kilograms.

10 Q Okay. And when Jonathan said we -- "Don't worry about it,
11 we still got paid for it," got paid for what? For the escort?

12 A For the escort.

13 Q Okay. And were you all supposed to steal the drugs for
14 the people that had paid for the escort, or were you all going
15 to steal the drugs from the people who hired you to escort the
16 drugs?

17 A Like it was never talked about. I never knew how that
18 deal was going to plan out, if they were going to rip the drugs
19 off or call a supervisor or not. Stuff they can -- I don't
20 exactly know.

21 Q So that deal didn't come through you. It was --

22 A I had no knowledge of it. It was like a phone call. "Get
23 over here," whatever, and explained to me, "Just stay back,
24 don't let her see you," and then I got yelled at for it
25 afterwards.

1 Q Okay. And so that -- in that incident, you were just kind
2 of the support -- you were one of the guys that Jonathan chose
3 to participate?

4 A Correct.

5 Q Was there ever an issue of members of the Panama Unit
6 getting upset because they were being called on -- to
7 operations?

8 A Yes.

9 Q Isn't it true that you did somewhere around 20 operations
10 that came from tips from Guerra, Senior?

11 A No. It was less than that.

12 Q There was an incident where Guerra, Senior tipped you to a
13 property on La Homa Road in Mission where you -- the Panama
14 Unit was called out to search that home, correct?

15 A Correct.

16 Q And that tip did come through you, correct?

17 A Correct. I was still in Crime Stoppers and I was the
18 marked unit that day.

19 Q Oh. So then that incident occurred prior to you joining
20 Panama Unit?

21 A Yes.

22 Q Okay. And on that incident, you -- oh, you had the tip.
23 So -- but wait a minute. So before you became part of the
24 Panama Unit, you were already passing tips to the Panama Unit?

25 A Correct.

1 Q Okay. And in that case, since you were not part of the
2 Panama Unit, what was -- how -- what was -- what did you get
3 out of it?

4 A I had to -- when they -- once -- anytime they had the
5 drugs, I had to take it to Fernando. They wouldn't take it
6 themselves. I had to drive the drugs over there.

7 Q Okay. So then you kind of were in the control position,
8 right, because you had the drugs and then you had money.

9 A Correct. I had to do the paying and dropping off and
10 picking up.

11 Q But at the same time, you also had a lot of risk in
12 carrying, storing, transporting --

13 A All the Panama -- this is the way we'd do it. Fernando
14 lived on 2812 around that area, about -- over there. The
15 Panama Unit would follow me -- when I would stop at like the
16 Love's Truck Stop, they would give me the drugs and I would
17 drive it from Love's to Fernando's place. When I would turn
18 into the shop or to the office, they would just keep on going
19 straight.

20 Q Oh, so then they followed --

21 A All the way.

22 Q -- the products?

23 A Yes.

24 Q Wow. Did that mean they didn't trust you?

25 A Jonathan never let me -- like if we left the house, he

1 would never let me drive with the drugs. He had to drive with
2 it, he would make an evidence tag and everything. He would
3 have an evidence tag in case somebody wrecked, another officer
4 stopped him, they were saying, "Well, taking the drugs to the
5 Sheriff's Office," or what not, "we're going that way anyway."

6 Q So you all had a contingency plan?

7 A Correct.

8 Q Did you guys create those plans together as a group, or
9 was there just one person who was in charge of the -- all these
10 other issues?

11 A As far as I remember, Jonathan was the one that'd tell us
12 to do it like that.

13 Q So he was pretty much the mastermind within Panama Unit?

14 A Correct. I would give him the tip and then however way he
15 wanted to do it, that's the way we would do it.

16 Q Did you ever negotiate how much you were going to get?

17 A There was always a lot of friction because of that,
18 because Senior wanted his cut, and so did Jonathan, and
19 Jonathan didn't feel right that we're taking the drugs to
20 Guerra and he would charge us half, or we had to split the job
21 with him. He never liked that.

22 Q But -- are you talking about jobs that where the tip came
23 from him, or on --

24 A The tips came from him, correct.

25 Q Okay. So what did Jonathan want? I mean, if the tip came

1 from Senior, Jonathan would never even known about those drugs
2 to steal?

3 A Well, Jonathan thought that and I would tell him that it's
4 not like that. He would send it in his trailers up north and
5 make a big profit up north, and that wasn't the case. I mean,
6 all of Senior's job was just to get rid of the stuff. Take it
7 to him and that same day he would sell it. You know what I
8 mean? At times, I would be there when the other drug dealer
9 would come, pay him to take the drugs, and the money would come
10 from the drug dealer to Fernando, right away to me, and then
11 I'd take it to the guys.

12 Q And the reason that you mentioned that is because it -- if
13 the drugs are sold locally, they are sold for less than what
14 you could get for them up north, right?

15 A Correct.

16 Q Okay. And so then Jonathan thought that up -- that
17 Guerra, Senior was standing the -- sending the drugs up north
18 and was making a bigger profit?

19 A Yes. We had several arguments about that.

20 Q And so there was a greed issue here. It's like, "Whoa,
21 whoa, whoa, wait a minute. I want more because you're making
22 more."

23 A Yes. I think that's what drove them to start looking for
24 escorts and start doing things on their own, because they
25 weren't content anymore with Fernando. They weren't meeting

1 their needs.

2 Q Fernando was a big provider of tips, right?

3 A He was just -- not necessarily a big provider. He would --
4 -- the jobs he would set up for us, they were set up. You know
5 what I mean? He was --

6 Q Well, right. But what I'm saying is that if and when the
7 -- that avenue dried up and, in other words, if there was a
8 falling out or, "I don't like to -- I don't want to work with
9 you anymore," then the opportunity to make money by stealing
10 drugs became less because now we don't have that source
11 anymore.

12 A Not necessarily. They had Fernando has a vendor. You
13 know what I mean? We -- he knew that -- Jonathan didn't like
14 to wait for money. You know, I mean, he had other people he
15 could take the drugs to, but he would have to wait a week or
16 four or five days. Fernando would right there and that -- if
17 we got drugs at 7:00 p.m., by 10:00 p.m. I had money.

18 Q Okay.

19 A So that's what he liked about it, that it was fast and
20 convenient.

21 Q Okay. So then why is it that he's -- didn't like Fernando
22 -- working with Fernando, Senior at some points?

23 A Because he would get a lesser rate than if he would --
24 than what he would get from his other drug dealers. Fernando
25 was giving him -- he had to -- we had to split with Fernando.

1 He didn't like that part. You get me? He wanted to be like a
2 wholesale drug dealer, like I have 20 kilos that are worth 20
3 grand each. That's what I want from them. He wanted what the
4 market was -- he wanted market rate, and it wasn't like that
5 with Fernando. It was a lesser rate.

6 Q Well, because Fernando was actually the middle man, right?

7 A Correct.

8 Q Okay. He was the one that was selling it out. So if
9 Jonathan would -- or if the Panama Unit would sell it
10 themselves, then they'd -- you could get what Jonathan was
11 expecting?

12 A Correct.

13 Q Okay. And the reason that Senior was in the picture in
14 those instances is because Senior could make that happen for
15 you much faster than the Panama Unit could get it?

16 A Correct. And I would kind of express that I wouldn't --
17 that I really didn't want to work with anybody else. If they
18 were going to do that, like -- that I wasn't -- that it was too
19 risky for me, that I felt safe with these people and that's it.

20 Q Okay. Tell me about an incident where --

21 **THE COURT:** Well, before you go, why did you feel
22 safe with these people? Was it because of the J.P. Flores
23 connection, or what was it --

24 **THE WITNESS:** Yeah. I felt that --

25 **THE COURT:** -- that you felt safe?

1 **THE WITNESS:** -- they were -- if anything ever
2 happened, they weren't going to say, "Well, the cops sold it to
3 me." You know what I mean? I just respected them. I felt
4 that I had a bond with them. I felt that they weren't going
5 to, you know what I mean, double-cross me or anything like
6 that.

7 **THE COURT:** And that's because of just your direct
8 dealings with him you concluded that, or --

9 **THE WITNESS:** Remember, I worked --

10 **THE COURT:** -- was it --

11 **THE WITNESS:** -- I met some -- sorry to interrupt --
12 I had a relationship with Fernando before drug dealing, for a
13 whole year. He was a nice guy to me.

14 **THE COURT:** All right.

15 **BY MS. GUTIERREZ:**

16 Q And the -- you being able to borrow Fernando Guerra,
17 Senior's lake house came about from this political
18 relationship?

19 A More like just grew a relationship with him and J.P. as
20 well. You know what I mean? We started becoming friends other
21 than politics.

22 Q Okay. And did you all hang out together?

23 A Who? Me?

24 Q You and Senior and J.P.?

25 A We would have -- meet at the office and talk. We talked

1 on a daily basis basically.

2 Q You and Senior?

3 A And me, Senior, and J.P. would talk to -- we talked every
4 day on -- we had a -- those radios --

5 Q Uh-huh.

6 A -- the Nextels, we would talk almost on a daily basis.

7 Q This is before you were doing anything illegal? Or during
8 the time that you were doing illegal --

9 A During illegal, I would talk to them on a daily basis.
10 Before, I would talk to them every -- occasionally and would go
11 visit with them at the office. But we never went out to eat,
12 stuff like that, no. We were never seen in public with them.

13 Q What --

14 **THE COURT:** You would meet at his office and visit,
15 or he would come to yours?

16 **THE WITNESS:** No, sir. I'm sorry. We would meet at
17 his office and ask for him.

18 **BY MS. GUTIERREZ:**

19 Q What about Junior? Was he around?

20 A I started meeting Junior -- oh, I would say hi to him when
21 he would go visit his father. Right? But then I started
22 making a relationship with him towards the end of this -- of --
23 before the arrests. He was very in contact with -- started to
24 contact me and we would talk a little bit, but not really like
25 -- his dad wasn't too crazy about that, so I kind of respected

1 Fernando, so I wouldn't really -- I would never call Junior
2 without Fernando -- asking Fernando first.

3 Q Why is it that Fernando, Senior's father wasn't
4 comfortable with Junior and you speaking directly?

5 A I don't -- there was never anything said, but it was -- it
6 didn't feel right.

7 Q Okay. And Junior was contacting you for what purpose?

8 A He's the one that set up that deal with the five kilograms
9 of the -- of that traffic stop.

10 Q Okay. Are we --

11 A This -- and this -- it's funny because this deal was
12 planned out -- it was dragged out for months because he would
13 try to call the guy from Brownsville to come deliver, and they
14 would go visit a witch and tell them, "No, you can't deliver
15 today. Like the," whatever, the "black magic doesn't let you
16 or allow you to or whatever." I don't know how that stuff
17 works. So it was a joke, like I would call Fernando and was
18 like, "So what did the witch say? She going to bring the --
19 can they bring the drugs in or not?" So it went on for awhile,
20 so that's why I would talk to Junior and that kind of in the
21 mean time.

22 Q Trying to get that deal going?

23 A Yeah. That deal was dragged out for awhile.

24 Q And who was the ones that would consult with the witch?

25 A The people coming from Brownsville down this way.

1 Q Okay. So then that was putting a hold on your business,
2 you all's business?

3 A Correct.

4 Q Okay. But Junior communicated with you solely on -- for --
5 -- on the basis -- or for the purpose of illegal activity?

6 A Correct.

7 Q Okay. And when you would communicate with Senior and J.P.
8 on a daily basis, it was about illegal activity, correct?

9 A Not necessarily. "How's everything going?" conversation
10 as well, relationship.

11 Q Relationship, okay.

12 A And he would say, "No. There's nothing. We don't have
13 anything," whatever, "today," whatever, "there's nothing going
14 on."

15 Q Regarding illegal activity?

16 A Yeah.

17 Q Okay. So you guys would stay in touch, but the real
18 purpose was, "When are we going to work?" or "When is there
19 work?"

20 A Correct.

21 Q Okay.

22 **THE COURT:** Why don't we take our mid-morning recess?
23 It's 10:15, we'll recess until 10:30. I don't have any cases
24 to hear, so we'll try to be right on time here at this recess.
25 So the jury's excused, 15 minutes.

1 **THE CLERK:** All rise for the jury.

2 **(Jurors exit courtroom at 10:15 a.m.)**

3 **THE COURT:** All right. Is there anything you all
4 need to address during the recess?

5 **MS. GUTIERREZ:** No, your Honor.

6 **THE COURT:** All right. Let's be in recess for 15
7 minutes.

8 **THE CLERK:** All rise.

9 **(A recess was taken from 10:16 a.m. to 10:34 a.m.)**

10 **(Jurors enter courtroom at 10:34 a.m.)**

11 **THE COURT:** All right. Good morning. Please be
12 seated. All right. You may proceed whenever you're ready,
13 Ms. Gutierrez.

14 **MS. GUTIERREZ:** Thank you, your Honor.

15 **DIRECT EXAMINATION (CONTINUED)**

16 **BY MS. GUTIERREZ:**

17 Q There was an incident where you ended up -- well, I'm not
18 sure if you, yourself, but the Panama Unit, or members of the
19 Panama Unit, ended up at a Matt's Cash and Carry and where you
20 recovered two kilograms of cocaine. Do you recall that
21 incident?

22 A Yes, ma'am.

23 Q Okay. And that incident began through a tip from Guerra,
24 Senior; is that correct?

25 A No, ma'am.

1 Q Okay. Isn't it true that he had tipped you to a property
2 on El Dora Drive, or El Dora Road?

3 A No. Claudio Mata and I believe it was Eric Alcantar, they
4 were working with a CI that led them to that location.

5 Q Okay. And was that a legitimate operation, or was that a
6 -- where you -- the Panama Unit stole drugs?

7 A It was -- turned out it was planned to be legitimate and
8 then it went rogue once the second delivery. There was cocaine
9 found at that location with that homeowner, and some weapons.
10 And then Jonathan talked to him to, you know, we call it "flip
11 them," like, "Hey, set up another deal and we'll let you go.
12 We won't prosecute you, we won't arrest you, or anything." And
13 that's where Jonathan took the man and spoke to him and set up
14 another deal, which ended up at the cash and carry.

15 Q Is that the incident where some of the Panama Unit numbers
16 were caught on video and it became an issue at the Sheriff's
17 Department?

18 A Once we were there at that house where the man -- well, I
19 don't remember his name, I think it was Perez -- that we did
20 the raid, Claudio Mata, without anybody knowing, stole some
21 jewelry from that location.

22 Q Okay. And then that's what you were talking about when
23 you mentioned earlier that there was a problem between Mata and
24 Jonathan? That --

25 A That was their fall out.

1 Q Okay. And Guerra, Senior was involved then in purchasing
2 the drugs that were stolen?

3 A Yes, ma'am, that's correct.

4 Q Okay. So he didn't tip you, but he purchased the drugs?

5 A Correct.

6 Q And it was you that took the drugs to him, correct?

7 A The drugs were taken from the cash and carry to another
8 location to another drug dealer, as a matter of fact. And --

9 Q And then?

10 A -- the man couldn't come up with the money, so Jonathan
11 gave it to me to take it to Fernando, Senior later on in the
12 day like that, I want to say 11:00 o'clock p.m.

13 Q How quickly would you turn over the drugs as far as you --
14 the Panama Unit would steal it and then they no longer -- they
15 -- you had already sold it?

16 A Within that day.

17 Q Okay. So you all usually didn't keep the drugs for more
18 than a few hours?

19 A Jonathan wouldn't allow us to keep it. We had to get rid
20 of it.

21 Q And so it had to be sold. And what if you didn't find a
22 seller -- a buyer?

23 A Guerra, Senior was the -- I guess to come to the rescue.
24 I mean, that was our backup plan.

25 Q Okay.

1 A Well, that was always the one that we'd go to.

2 Q Okay. And during that incident, how much money would --
3 did the Panama Unit receive?

4 A In that, it was about -- I want to say we got 15 for each
5 or less, but we had to split it with J.P. and Fernando as well.

6 Q And J.P. always -- J.P. Flores always made a cut out of
7 these deals, correct?

8 A Anytime the Panama made money through Guerra, Senior, J.P.
9 would make money, yes.

10 Q And when you say, "through Guerra, Senior," you're talking
11 about either through a tip of his or even if he bought drugs
12 that didn't come from a tip of his, right?

13 A Correct.

14 Q Okay. And any time Guerra, Senior was involved, J.P. made
15 a cut?

16 A Correct.

17 Q Okay. Well, there was another incident with four
18 kilograms of cocaine where it had to do with two individuals
19 who were transporting cocaine, and Guerra, Junior was waiting
20 at the O'Reilly Auto Parts?

21 A That is the traffic stop that I was telling you about
22 earlier.

23 Q Okay. So that's the same one as the first one we
24 mentioned?

25 A Yes, ma'am.

1 Q Okay. There was an incident where Guerra, Senior tipped
2 you, or needed the Panama Unit to go and conduct a raid to
3 steal I think like 2,000 pounds of marijuana. You showed up to
4 this warehouse and there was nobody there, so your job was made
5 really easy. You didn't have to raid anything and you just
6 took the marijuana. Do you recall that incident?

7 A Yes. It was 900 something pounds.

8 Q Oh. That was 900 pounds?

9 A Uh-huh.

10 Q And where was the marijuana? Was it in the trailer?

11 A It was in the trailer in a hidden compartment.

12 Q Okay. And so the purpose of that, though, was -- the
13 purpose of the Panama Unit was to go raid that property,
14 correct?

15 A That was a rogue deal, yes.

16 Q That was completely rogue. It started rogue, right?

17 A Yeah. It started rogue from the very beginning. We
18 didn't even obtain a case number for that.

19 Q Okay. So you went out to this property, and luckily for
20 you guys, there was no one there. There was no one you had to
21 deal with, correct?

22 A Correct.

23 Q And, therefore, there was no one who witnessed any of it
24 to report it to any law enforcement, correct?

25 A Correct.

1 Q And that's what allowed you all not to even create a case
2 number.

3 A Correct.

4 Q When was the last deal that the Panama Unit made?

5 A It was a tip that Fernando provided. It was in rural San
6 Juan (phonetic) area, around Tower Road, around there. I'm not
7 -- I don't remember the location. It was at a convenience
8 store.

9 Q Well, right. But you guys -- the Panama Unit was picked
10 up December 12th of 2012.

11 A That was actually December 11th.

12 Q Oh, so the day before you got arrested.

13 A Correct.

14 Q Did you know you were getting -- that there were -- that
15 this was going to happen, that you were getting arrested?

16 A No, ma'am.

17 Q Did you have any idea that you were all were being
18 investigated?

19 A Us personally, no.

20 Q And what do you mean by "us personally?" Did somebody
21 else know?

22 A Well, we knew that Fernando, Senior was being
23 investigated.

24 Q Had the -- before you -- before the Panama Unit got
25 arrested, you had heard or learned that the Guerras were being

1 investigated?

2 A On two occasions, yes.

3 Q And you learned that through Joe Padilla?

4 A Joe Padilla, and the Sheriff called me one time also to
5 stay away from Fernando, Senior.

6 Q Because he was being investigated?

7 A By the feds, he said. They had a case open on him.

8 Q Okay. So Sheriff Trevino warned you of -- about the fact
9 that Guerra, Senior was being investigated and, therefore, you
10 shouldn't be around him.

11 A He said he didn't want me anywhere around him, not to go
12 to the lake house, hunting, nothing at all, to stay clear of
13 him whatsoever.

14 Q Okay. So he knew -- Sheriff Trevino knew that you were
15 dealing with Fernando Guerra, Senior, correct?

16 A Correct.

17 Q And at no time did he tell you -- did he stop you from
18 engaging in your illegal activities with Guerra, Senior,
19 correct?

20 A I don't know if he knew into the details of the illegal
21 activity or not. I wouldn't be able to tell you that.

22 Q Okay. But at no time did he tell -- in no time -- at no
23 time did he tell you stop dealing with -- stop your dealings
24 with that drug dealer prior to the time that you're talking
25 about now?

1 A When he called me, he said, "Stay away from him," and he
2 said some things about him and whatever, and that's it. He
3 didn't say in detail why. He just said, "The government's
4 watching him, and I don't want you around him at all." Like --
5 and then he asked how intimate Jonathan was with him. And I
6 said, "No, he just talks to me."

7 Q Did the Sheriff not talk to his own son to be able to ask
8 him that?

9 A I'm not sure, ma'am.

10 Q Isn't it true that Joe Padilla provided information to
11 Guerra, Senior about the feds looking at him?

12 A Around the same time, correct.

13 Q It was probably the same information, correct?

14 A It was prior to the Sheriff receiving the call -- the
15 Sheriff.

16 Q How much prior?

17 A I want to say at least a month or two. I'm not a hundred
18 percent sure.

19 Q And Jose (phonetic) Padilla received money for that
20 information, correct?

21 A Correct. I believe Fernando, Senior sent him a thousand
22 dollars for the information.

23 Q And that went through J.P., correct?

24 A Correct.

25 Q And J.P. was the contact person between Guerra, Senior and

1 Joe Padilla.

2 A Correct.

3 **THE COURT:** And was this why you were talking to him
4 on a daily basis, talking to Senior on a daily basis?

5 **THE WITNESS:** I heard -- J.P. told me this
6 information, and Fernando, Senior told me this information as
7 well.

8 **THE COURT:** Right. But I'm trying to get a
9 timeframe. You were already at a point where you were talking
10 daily with Senior?

11 **THE WITNESS:** Correct. This is months before the --
12 maybe -- this is within six months of the -- our arrest.

13 **THE COURT:** All right.

14 **BY MS. GUTIERREZ:**

15 Q And after the Sheriff warned you about the feds looking at
16 Guerra, Senior, you in turn informed him as well, correct?

17 A No. I told J.P. and I told Jonathan.

18 Q Okay. The incident that occurred November 30th of 2012
19 regarding a black Humvee that you all were going to rip off,
20 that deal was -- did that deal, that tip, came from Guerra,
21 Senior?

22 A I don't recall. I don't know what you're talking about.
23 I'm sorry.

24 Q Okay. No problem. Do you recall escorting -- do -- are
25 you telling the jury that you, yourself, did not participate in

1 any operation where drugs were escorted?

2 A Correct. I was involved in one, but I didn't know what
3 was the sole purpose of the operation. I didn't know that they
4 were escorting a load to get paid for it.

5 Q Okay. So then you were kind of an unwitting, unknowing
6 participant in the escort; is that correct?

7 A Correct, on November 30th.

8 Q Okay. And that's what we're talking about. And this is
9 where there was an escort done and it was -- the escort was
10 going to stop once the loaded vehicle passed the Sheriff's
11 Office, correct -- Hidalgo County Sheriff's Office?

12 A Yes. And that's where I was going to approach the house
13 where the dealer was going to be and spot the location where
14 the cocaine was going to get delivered.

15 Q Oh, okay. So that's the incident we talked about earlier?

16 A Correct.

17 Q Okay. And so what you're saying is that you didn't -- you
18 were not made aware that it was an escort?

19 A Correct. I didn't -- I wasn't aware that they were making
20 money off of that as well.

21 Q Okay. And so because you -- well, you ended up escorting
22 that load without knowing, correct?

23 A Well, they were escorting. I was following from a very
24 back distance. I wasn't really per se protecting it. I was
25 just keeping my eyes on the vehicle, see where it was going to

1 go to.

2 Q Okay.

3 A And Mr. Trevino was in the front of the loaded vehicle and
4 Alexis was behind the loaded vehicle. And I was like maybe a
5 mile down.

6 Q And they were in marked units?

7 A Unmarked.

8 Q Unmarked units.

9 A Coming -- Mission unmarked, and I was in my unmarked
10 county vehicle.

11 Q Okay. And did those vehicles have lights and sirens and
12 all that?

13 A Yes. They're -- all of the units were equipped with
14 lights. Just not Alexis. He didn't have lights.

15 Q Okay. And when no -- when that was escorted, obviously it
16 was for protection, but was it clear that it -- there were law
17 enforcement vehicles?

18 A Jonathan's is a white Tahoe. If you pay close attention
19 to it, you can tell it's a police unit because you can see the
20 lights within the grill.

21 Q Okay.

22 A But you have to really pay attention to it.

23 Q And I guess my question is this, they were escorting it,
24 but if they were just regular vehicles, where was the
25 protection?

1 A I would assume like if another officer would stop them,
2 like I say, would pull over and say, "Hey, we're watching this
3 load," or "We're not" -- that's the only thing that -- logical
4 thing that I can think of.

5 Q Okay. And you weren't ever talked -- you were never part
6 of any discussions where they -- the Panama Unit was planning
7 an escort of drugs?

8 A No, ma'am.

9 Q Okay. In -- on December 11, we talked about how there was
10 that one deal the day before with some two kilos of cocaine, I
11 believe, that was sold to Guerra, Senior. Isn't it true that
12 you received information from Guerra, Senior, Delta, regarding
13 one kilogram of cocaine that was at a drive-thru business?

14 A Correct.

15 Q Okay. And you actually located two kilograms of cocaine.

16 A There was more, but we had to turn some into evidence.

17 Q Okay. And so I'm a little confused because a little bit
18 earlier you -- I talked to you about the property on El Dora.
19 And so is that the same property?

20 A No, ma'am.

21 Q Okay. So was there two deals done on December 11th?

22 A No. It was just one.

23 Q So the deal -- or the operation that was conducted on the
24 property on El Dora Road --

25 A That was back in July. That was one of the first deals we

1 did with Fernando, or I think the second one to be correct. I
2 wasn't in the Panamas yet.

3 Q Okay. So I -- and that was my confusion. I apologize.
4 Okay. It looks like on December 11th, that's where you all
5 were going to steal some narcotics from a woman who was driving
6 with them in her vehicle. Do you recall that?

7 A Okay. Yeah. I'm getting confused with December 11th,
8 because I believe when we did the actual raid at the
9 convenience store, it ran into the midnight hours.

10 Q Okay. So then it could have been two operations done
11 within a 24-hour period, it just happened to land on two
12 different dates.

13 A That is correct.

14 Q Okay. And one of the deals was the drive-thru where you
15 found more than two kilograms of cocaine but had to turn some
16 in for evidence.

17 A Correct.

18 Q And that -- those two kilograms of cocaine that came from
19 the drive-thru were sold to Guerra, Senior?

20 A No.

21 Q That was the tip that came from Guerra, Senior?

22 A Correct.

23 Q Okay. So Guerra, Senior was involved in the beginning of
24 it, but it was -- it ended up being sold to someone else?

25 A Yeah. Sal Arguello sold the drugs because he was going to

1 get more money.

2 Q Okay. In that case, how much money -- or were the
3 proceeds split with J.P. and Guerra, Senior?

4 A They were left out on that deal.

5 Q They weren't given anything?

6 A Huh-uh.

7 Q I bet that made them mad.

8 A Well, we never got to experience it because the next day
9 we got arrested, so there was never any repercussion or
10 discussion or anything about it. So I'm pretty sure we would
11 have -- something would have happened if that --

12 Q Okay. There was a -- there was one incident where, during
13 the raid -- there was a few incidents where when the Panama
14 Unit went -- arrived at the properties, either prior to their
15 arrival there was already a legitimate unit from one of the law
16 enforcement agencies, surrounding law enforcement agencies, or
17 that they would show up after, correct?

18 A I don't -- can you rephrase the question, please?

19 Q Yeah. There were a couple -- a number of times when you,
20 the Panama Unit, showed up to a property to either initially
21 legitimately search the home, or for the purpose of stealing
22 the drugs from that home or property, where either legitimate
23 law enforcement patrol units showed up before you all arrived
24 or after you all arrived, correct?

25 A There was one incident in McAllen, a tip that Fernando,

1 Senior gave us, and Jonathan and Alexis were sitting on it,
2 like during surveillance. While they're doing surveillance,
3 McAllen P. D. raided the location, and then they go in to
4 assist, and then later on -- I show up later on in the day and
5 we assisted with McAllen, but they didn't find anything at the
6 location.

7 Q Wasn't there a time where DPS ended up conducting a
8 traffic stop on a vehicle that had drugs that you all were
9 waiting for?

10 A That was a deal run by Fernando, Senior. The Panamas were
11 not involved in that deal.

12 Q Okay. So how is it that -- weren't you involved in that
13 deal?

14 A I was dealing -- I mean, I was assisting Fernando, talking
15 to him and stuff like that. But no -- like it wasn't going to
16 be a rip or nothing like that.

17 Q Okay. But I -- or maybe I'm confused. But I must -- I'm
18 thinking that that's the deal where some of the Panama Unit
19 members met up at the boots -- that boot store under the
20 butterfly -- well, I call it the butterfly, the overpass.

21 A That was Fernando, Junior and another guy named "Bobby."

22 Q Okay.

23 A The Panamas were not involved in that deal whatsoever.

24 Q Okay. And so is that the same deal that I'm talking about
25 where the DPS officer stopped the -- conducted a legitimate

1 traffic stop?

2 A It was a setup deal, like a sting, by some agency.

3 Q Right. So then there was some legitimate operation going
4 on that basically thwarted your all's efforts to rip them off,
5 correct?

6 A No.

7 Q Or the Guerras to rip them off?

8 A The Guerra was going to get the cocaine from that
9 individual. What he was going to do later maybe have us do a
10 staged raid at a house or something. Well, no, but it wasn't
11 discussed. But the Panamas weren't involved in that deal.

12 Q Well, right. But I guess at this point what I want to
13 know is, this wasn't your normal classic transaction where
14 Guerra, senior was going to buy some dope off somebody else.
15 He was planning to rip it off -- rip them off, correct?

16 A I guess he was -- yeah. He wasn't going to pay them or
17 say that the load fell or whatever.

18 Q Okay. But that was never able to be accomplished because
19 there was -- other law enforcement agencies were actually onto
20 the vehicle that had the drugs?

21 A No. It was a two-part delivery. They were going to
22 deliver a certain amount, and later in the day they were going
23 to deliver the other amount. One part of the deal got
24 delivered. Fernando had it -- a guy pick it up, drive it to a
25 location, stash it in the house, then FBI along with DPS raided

1 the property but never found the cocaine. And later, when
2 Fernando's guy goes back to look at the cocaine in the house,
3 he finds a hidden GPS inside the cocaine. And from there, the
4 guy takes it out and throws it in some river or something like
5 that. This is all according to Fernando, Senior.

6 Q And how much cocaine? This is several kilos --

7 A I believe it was about 20 kilos.

8 Q Okay.

9 A But they were low counts of cocaine. There wasn't
10 anything they could resell. It was garbage.

11 Q It was of poor quality. Okay. Maybe not even -- garbage
12 may be a better term, right?

13 A Correct.

14 Q Okay. And so it was done away with, it was thrown away?

15 A They threw it away. There was nothing -- they couldn't
16 make no money off it.

17 Q There were some incidents with the Panama Unit where they
18 were -- where things got out of hand and they created a mess,
19 correct?

20 A Can you tell me an incident? I'm not sure what you're
21 talking about.

22 Q Well, where the Panama Unit was on -- would arrive to a
23 property and then have to -- there were other legitimate law
24 enforcement units that would show up and start asking questions
25 that the Panama Unit had to answer, correct?

1 A There was one incident, but this is a legitimate deal,
2 where it was me, Jonathan, and Alexis were watching a mail
3 pack. Mail packs, usually you can see -- we -- that's -- we
4 would work those a lot.

5 Q And just for clarification for the jury, a mail pack is
6 when you go and send off mail, which is different than the post
7 office?

8 A Correct.

9 Q Okay.

10 A It was actually in the Office Depot on Tenth Street.

11 Q Okay.

12 A And we were doing surveillance there and we see two guys
13 make a transaction, like exchange what looked -- appeared to be
14 dope. And we pursued the vehicle from the Home Depot to behind
15 to the resident area, and we turn our lights or whatever and
16 we're calling it in, but it just happened so fast that he
17 pulled into a residence, the driver of the van, and he runs in
18 and we get off and we run and chase him and I go into the house
19 and we retrieve the suspect and we detain him. We found a
20 small amount of marijuana, arresting him. And within the
21 transaction, McAllen P. D. shows up because, of course, we're
22 in an unmarked unit and we weren't in uniform. And somebody
23 called in, another neighbor or whatever, that we were pseudo
24 cops or what not. And they got up -- they got there and they
25 ID'd us, everything got clarified, McAllen P. D. left, the guy

1 got processed, and that was a legitimate deal.

2 Q Okay. And the drugs weren't stolen. They were actually
3 turned in as evidence?

4 A Correct.

5 Q And was that the McAllen P. D.?

6 A McAllen P. D. was there, but we submitted that case
7 through Mission P. D.

8 Q Okay. So then --

9 A We made the arrest.

10 Q Okay. You make the arrest and you had the opportunity to
11 steal that -- to steal if you chose to, but you didn't choose
12 to do that.

13 A No. We didn't steal it.

14 Q And partly was because there was other law enforcement
15 that was witness to --

16 A We were working an operation. We weren't there to -- that
17 day we were working.

18 Q Okay.

19 A Every day we worked. And if -- like I told you, if there
20 was a chance to do something, we would. But we were still
21 working legitimately during the time we were rogue.

22 Q Right. But what I'm saying is that even though you were
23 legitimately working, the fact that there was another
24 legitimate agency officer there who witnessed what happened
25 would prevent you from being able to cover it up if you stole

1 it, correct?

2 A They weren't into how much drugs were recovered. I mean,
3 they were just to see that we weren't pseudo cops, that we were
4 doing our jobs, and they left.

5 Q Okay. So once they were informed that you guys -- or were
6 convinced that you guys were legitimate cops and you were the
7 Panama Unit, they were just, "All right," and leave the area?

8 A Correct.

9 Q Okay. There was an incident where in September, on
10 September 18th, 2012, where Guerra, Senior provided you with a
11 tip and you picked him up at the corner of Raul Longoria and FM
12 495 in San Juan. Do you recall that?

13 A Okay. That is the -- yeah. The operation you're talking
14 about with the boots and all that stuff.

15 Q Okay. That's the one where there was -- it was going to
16 be a two-part delivery?

17 A Correct.

18 Q Okay. J.P. Flores was present at times when you would
19 take the drugs to Guerra, Senior, correct?

20 A Correct.

21 Q Did you ever do any illegal dealings with Julio Davila?

22 A No, ma'am.

23 Q But you knew Julio Davila?

24 A Correct.

25 Q And you met Julio Davila through J.P.?

1 A I already knew him before that.

2 Q Oh. You knew him before that. Was he someone that was a
3 contributor in your political relationships?

4 A Correct.

5 Q So he contributed through you, too?

6 A Never to me, no.

7 Q Well, through you.

8 A No. Through J.P. and whoever, but I never dealt with him
9 as for donations and stuff like that. Well, you know what, I'm
10 wrong. He did one time rent a tent for us during the primary
11 election for Sheriff Lupe Trevino. And he -- I asked him for
12 the favor and he did it for me.

13 Q Okay. Can you tell me about an incident where there was a
14 source of information for some drugs, and it turns out that the
15 Panama Unit had already ripped that person off, so Jonathan
16 became scared and thought he was being set up? Do you recall
17 that?

18 A I might, but you need to give me more information.

19 Q Okay. Do you recall any incident where you ended up
20 thinking you were getting a tip from someone who ended up being
21 ripped -- who it turns out had been ripped off by the Panama
22 Unit?

23 A I don't -- can you rephrase it?

24 Q Okay. You all worked with sources with tips, right?

25 A Correct.

1 Q And sometimes, in order to get that information, you --
2 the members of the Panama Unit would be in contact with that
3 source, correct?

4 A Correct.

5 Q And do you recall an incident where -- that one of the
6 sources -- maybe not through you -- but one of the sources
7 ended up being an individual who the Panama Unit had previously
8 ripped off dope from?

9 A There was an incident that we went to raid a house, and it
10 happened to be Sal Arguello's contact that Jonathan would sell
11 drugs to.

12 Q Okay. And that created some problems for the Panama Unit,
13 correct?

14 A We had to leave, yes.

15 Q Okay. And didn't it create some problems further on down
16 the line, like with --

17 **THE COURT:** Wait. I'm -- what do you mean, you had
18 to leave? You've --

19 **THE WITNESS:** The search had to stop because Sal
20 Arguello called Jonathan saying, "Hey, that's our guy,
21 remember? You have sold him cocaine before," and what not.
22 "So what are you doing there?" And he's like, "Okay," and he
23 got scared and backed off and left.

24 **THE COURT:** All right. But you were there at that
25 raid yourself?

1 **THE WITNESS:** I was -- I didn't go inside the house
2 or anything. I was with -- what happened that deal, we raided
3 a shop. That shop we got the -- we got some marijuana, but it
4 was not that much. We flipped that guy, and that guy led us to
5 that house, and I was with the source waiting. But that was a
6 legitimate operation.

7 **THE COURT:** All right. You may proceed.

8 **BY MS. GUTIERREZ:**

9 Q The -- and so then you all left and nothing else came from
10 that?

11 A Correct.

12 Q You stated how you and -- had a relationship with Guerra,
13 Senior and J.P. -- through J.P. over a period of time. You
14 guys were pretty close, you spoke daily. The Guerras were
15 contributors to the Sheriff's campaign, right?

16 A Correct.

17 Q Okay. And they were substantial contributors. They
18 helped out whenever they were asked, correct?

19 A Correct. They supplied trailers and money and different
20 other things.

21 Q Okay. And because of that, they received favor from the
22 Hidalgo County Sheriff's Office, correct?

23 A Correct.

24 Q Okay. And you would -- because of that, you would -- if
25 they needed -- whatever they needed, you guys were pretty much

1 at their disposal, correct?

2 A Yes. But he would go through J.P. I would hear or I
3 would see them talking about things or what not, but Fernando
4 would go to J.P. before he would come to me with anything.

5 Q And I'm not talking about illegal activity right now. I'm
6 talking just about legitimate stuff that the Hidalgo County
7 Sheriff's Office does. For example, patrolling an area. You -
8 - if Guerra, Senior requested patrolling his area, his shop, or
9 his home, that was something that was provided to him, correct?

10 A I never -- I was never informed of that, no. If he asked
11 for something, usually for something illegal, and not really
12 just to call you and say, "Can you come past my house?"

13 Q Right. And I understand that. But the fact that he was
14 provided with the resources to do the illegal stuff -- I mean,
15 maybe -- hold on. My question might be confusing, so let me
16 rephrase it. Isn't it true that you would also --

17 **MR. STURGIS:** Judge, I need to object to leading.
18 It's her witness.

19 **THE COURT:** Well, he's an adverse witness arguably.
20 Well, state your question --

21 **MS. GUTIERREZ:** Yes.

22 **THE COURT:** -- and we'll see.

23 **BY MS. GUTIERREZ:**

24 Q The -- you wouldn't only do illegal things with Guerra,
25 Senior, correct?

1 A That's the only time he would call, like for us to go when
2 -- once we started having that relationship.

3 Q Okay. And like -- illegal things like what? He would
4 call for what illegal things?

5 A To run license plates for -- like J.P. run license plates.
6 "Can you all come look at this car? It looks like a fed."
7 Like, "Come past it, look, check it out and you verify." Or,
8 "Do you know this vehicle? Is it one of you all's guys? I
9 mean, I saw a unit over here. Is there any -- everything
10 okay?" Stuff like that, information stuff.

11 Q Okay. And that is what I'm talking about. And I guess
12 the distinction is that the actual act that you were doing
13 wasn't illegal in itself. It wasn't, "Hey, come and get some
14 drugs and move them." Okay. I'm talking about going and
15 checking on a vehicle that he thought was either a fed or
16 suspicious in itself wasn't an illegal act, correct?

17 A If we're law enforcement, we're running a license plate
18 we're not supposed to be running.

19 Q Well, right. But if he says, "Can you see if this car --
20 there's a suspicious car, can you look at it," that act in
21 itself isn't illegal, correct?

22 A Depends. If it's not in the Texas Penal Code or anything
23 like that, but really it's unethical.

24 Q Okay. Well, it's unethical. But the Hidalgo County
25 Sheriff's Office responds to citizens' calls if they say,

1 "Well, I've seen something suspicious," and they go out and
2 check it out, correct?

3 A Yes. But they don't call the Sheriff's Office, not a
4 deputy to their cell phone or what not.

5 Q Well, no. Right. I understand that. I'm simply talking
6 about the act itself. Okay? And so some of those things --
7 some acts were provided -- or some action was provided for
8 Guerra, Senior that itself -- in it -- by itself was not
9 criminal, correct?

10 A I don't understand what she's trying --

11 **MS. GUTIERREZ:** That's okay.

12 **THE COURT:** Let's move on.

13 **MS. GUTIERREZ:** That's fine, yeah.

14 **BY MS. GUTIERREZ:**

15 Q During any of your dealings with the Panama Unit,
16 Mr. Jorge Garza, who's sitting here to my right, was never
17 involved, correct?

18 A With the actual unit, no. But I know he would help out
19 J.P. on some things, but I'm not sure what.

20 Q Okay. And this information you found out from J.P.,
21 correct?

22 A J.P., correct.

23 Q Okay. You never witnessed Jorge Garza helping J.P. do
24 anything, correct?

25 A Like actually seeing him in person?

1 Q Yeah. You --

2 A No. I would see other things, but not seeing him in
3 person, no.

4 Q Okay. When you say you would see other things, what are
5 you talking about?

6 A There was a time that J.P. called Mr. Garza to the office
7 and he handed him some money that Nandy had sent him for doing
8 a -- some job, but I don't know exactly what the job was for.

9 Q Okay. So you don't have any information as to what that
10 would have been about?

11 A No.

12 Q Okay.

13 **THE COURT:** And remind me, Nandy is?

14 **MS. GUTIERREZ:** Julio Davila.

15 **THE COURT:** Davila.

16 **THE WITNESS:** As far as --

17 **BY MS. GUTIERREZ:**

18 Q Okay. But with respect to being around drugs or around
19 Guerra, Senior, you never saw Mr. Garza around either drugs or
20 Mr. Guerra, Senior, correct?

21 A No. I don't recall. Well, yes. I saw him around -- we
22 had a party one time at Julio Davila's house and Fernando
23 Guerra was there -- Senior -- and I was there as well. J.P.
24 was there, Nandy was there, and Mr. Garza was there as well.

25 Q So it was a party with just you four or five people?

1 A And there was other people there.

2 Q Okay. So it was a party.

3 A It was a party.

4 Q Okay. So you were at a social function where you saw
5 Mr. Garza.

6 A Yes.

7 Q Okay.

8 **MS. GUTIERREZ:** I pass the witness, your Honor.

9 **THE COURT:** All right. Cross -- or examination? I
10 don't know if you call it cross or direct, but you may proceed.

11 **MR. STURGIS:** Thank you, your Honor.

12 **CROSS EXAMINATION**

13 **BY MR. STURGIS:**

14 Q Mr. Rodriguez, you testified about the stuff that you did,
15 the illegal activity, the narcotics activities with Mr. Flores
16 and Mr. Guerra, Senior, Mr. Guerra, Junior, the members of
17 Panama, correct?

18 A Correct, sir.

19 Q And there were a number of those deals --

20 A Correct.

21 Q -- as you've described, up until your arrest on December
22 the 12th of 2012?

23 A That is correct, sir.

24 Q Which occurred along the same lines with that female that
25 you discussed on the November 30th thing with the escort?

1 A Correct, sir.

2 Q During that entire time that you were involved, did you
3 ever do any fake traffic stops where you turned on your lights
4 and acted like you were going to pull over a vehicle on behalf
5 of Mr. Guerra, and then turn your lights off after people
6 passed by?

7 A No, sir. I was approached one time by J.P. to do a stop
8 at a -- in front of a residence to scare some people, but I
9 personally didn't go, and I called -- he asked me -- I couldn't
10 get out of the office, so at that time, he says, "Can you call
11 Gerardo Duran?" I called Gerardo Duran, but this is way prior
12 before we went rogue and I was kind of like scared. "No. I
13 don't want to do it." And then J.P. just tells me, "Don't
14 worry about it. I'm going to get Jorge to do it." He was,
15 "Don't worry about it." And I don't remember what happened
16 after that with that deal.

17 Q Okay. So you never performed one.

18 A No, sir.

19 Q You never organized one.

20 A No, sir.

21 Q Do you know today that those events were happening where
22 the Guerras were ripping off marijuana from other individuals
23 and using fake scenario traffic stops --

24 A Yes.

25 Q -- to recover it?

1 A Yes, sir.

2 Q Did you know that was happening prior to your arrest on
3 December 12th of 2012?

4 A Yes, sir.

5 Q How did you know that was happening?

6 A Because Mr. Guerra would say that he was doing illegal
7 activity with Davila, and they would do traffic stops, they
8 would get other law enforcement -- they would make -- Ms. Aida
9 Palacios would make fake paperwork for them. I've heard this
10 from J.P. and from Fernando.

11 Q Okay. You were never involved in that?

12 A No, sir.

13 Q You never used your white Expedition to perform any fake
14 traffic stops?

15 A No, sir.

16 Q Did you ever use your white Expedition to help the Guerras
17 do fake traffic stops on Jesus Flores Road (phonetic)?

18 A No, sir.

19 Q You do admit that you did all those illegal activities
20 with the -- those people, the Guerras, Panama, aside from any
21 fake traffic stops?

22 A Correct. The only traffic I did for -- with the Guerras,
23 but it wasn't really -- it was more a response when he got in
24 that shooting -- when he shot at that vehicle while leaving his
25 shop that one time.

1 Q Correct. But that wasn't a fake traffic stop.

2 A No, sir. That was working hours.

3 Q And that had nothing to do with covering up drugs.

4 A No, sir.

5 Q That was more another one of those instances of people
6 harassing him?

7 A Correct.

8 Q Did you ever discuss any of your -- up until today, have
9 you ever discussed any of your illegal activities with the
10 Guerras, Panama, anything, with Mr. Garza?

11 A No, sir.

12 Q And vice versa?

13 A Correct.

14 Q He's never discussed any --

15 A No, sir.

16 Q -- of that with you?

17 **MR. STURGIS:** I'll pass the witness, your Honor.

18 **THE COURT:** All right. Any redirect?

19 **MS. GUTIERREZ:** Yes, your Honor. Just a few.

20 **REDIRECT EXAMINATION**

21 **BY MS. GUTIERREZ:**

22 Q You just said something about Guerra, Senior being shot.

23 A No. He shot at a vehicle.

24 Q Guerra, Senior shot at a vehicle. Oh, okay. And so he --
25 when you're talking about someone was harassing him, it was

1 that he shot at someone who was harassing him?

2 A I don't know the whole -- what had actually happened, but
3 it was more of a -- somebody was doing donuts on his property
4 and he thought it was -- the guy was there to harm him. And
5 out of retaliation, he shot at the vehicle.

6 Q He wasn't arrested, correct?

7 A Yes. He was arrested by Edinburg P. D. I witnessed the
8 arrest.

9 Q Guerra, Senior?

10 A Yes.

11 Q And was he prosecuted?

12 A I'm not sure. I never found out what happened.

13 **MS. GUTIERREZ:** I have no further questions, your
14 Honor.

15 **THE COURT:** All right. Anything else?

16 **MR. STURGIS:** Nothing further.

17 **THE COURT:** All right. Thank you for being here,
18 Mr. Rodriguez. You're excused at this time.

19 **(Witness excused)**

20 **(Transcription concluded at 11:14:15 a.m.; proceeding**
21 **continued)**

22

23

24

25

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



Signed

October 18, 2013

Dated

TONI HUDSON, TRANSCRIBER